

# HOUSE OF REPRESENTATIVES—Monday, June 22, 1992

The House met at 12 noon.

Msgr. Andrew McGowan, director of community relations, Mercy Hospital, Scranton, PA, offered the following prayer:

Water is seen in our religious history as an element of cleansing, of refreshment, of deliverance, and as a symbol of new life. On this day 20 years ago in a force known as Hurricane Agnes, it proved to be a source of devastation and destruction and left Pennsylvania's Wyoming Valley with an unprecedented loss of homes and institutions.

We offer in this opening prayer the valley's word of gratitude for so many individuals who responded to our needs with such generosity, to so many institutions, industries, and religious groups who continued this concern, and for the leadership of then Congressman Dan Flood and now PAUL KANJORSKI, and, indeed, for this Congress, this United States Government, that made us all proud to be American.

Thank you, and God bless America.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. THOMAS of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. THOMAS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The gentleman from California [Mr. THOMAS] objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present.

Pursuant to clause 5 of rule I, further proceedings on the question will be postponed until the end of the legislative day.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will recognize the gentleman from Wyoming [Mr. THOMAS] to lead us in the Pledge of Allegiance.

Mr. THOMAS of Wyoming led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## TRIBUTE TO MSGR. ANDREW MCGOWAN AND THE WYOMING VALLEY

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KANJORSKI. Mr. Speaker, I am honored today to be the Member who represents the district that has the pleasure of having as one of its constituents Msgr. Andrew McGowan, who gave our opening prayer today. I requested Monsignor McGowan to give this prayer because too often as we go through life here in Congress we forget that in fact we do accomplish some major things for a lot of American citizens who suffer problems.

This day 20 years ago around midnight the waters of the Susquehanna River were meeting the top of the dikes in Wilkes-Barre, PA, and throughout the Wyoming Valley. Thousands of young students and other citizens from across the valley were attempting to sandbag the dikes and save the valley. But along about 5 o'clock in the morning of June 23, it was recognized that nature would not be held back and it took its wrath on Wilkes-Barre. The Susquehanna became a river 40 feet deep and 5 miles wide. It affected 37,000 residences, thousands of businesses, and tens of thousands of employees.

Mr. Speaker, after the flood, the Congress of the United States recognized the importance of what this United States means. The people of this country came together and helped the citizens of the Wyoming Valley.

Twenty years has gone by. There are still remnants of the flood throughout the Wyoming Valley, but we are back. We are back because all the American people came to our aid when we needed them, and we are back because the citizens of Wyoming Valley reflect the true nature of Americans everywhere. We are never down and out. We will always get up and we will always solve our problems.

It is a lesson in 1992 that we could all learn from.

□ 1210

## TOO MUCH REGULATION

(Mr. THOMAS of Wyoming asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I rise to again talk about regulation, overregulation. I rise to talk about it today because, as usual, I have been home for the weekend.

Over the last two weekends I have had the occasion to meet with six different statewide groups that represent industries in our State. In each instance, overregulation was the issue that they talked about the most and were most concerned about.

Specifically, I would like to mention the provisions that have to do with medical providers, bankers, and mining people. I think there is no question but what overregulation has enhanced the cost of health care.

Up to 25 percent of health care is lost on administration and does not reach the people that we are seeking to help with health care. Part of it is regulation. Part of it is paperwork that is unnecessary.

Bankers, of course, we have a responsibility when we insure deposits to have some regulation, but we do not need to tell them the kind of carpet that they can have in the lobby.

A small bank in Jackson, WY, was asked to have a full-time person to talk about the community investment aspect of regulation. That is unnecessary.

In the mining area, we are struggling constantly with multiple-use regulations, with regulatory provisions that have to do with regional competition.

We need to change those kinds of things. A Presidential candidate yesterday is talking about spending \$50 billion to increase the economy, to increase jobs. I suggest to my colleagues, we can do a lot of that right here in the Congress if we will take a look at the regulatory impact each time we pass a bill and know what it will do to hold down jobs and business in this country.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,  
June 19, 1992.

Hon. THOMAS S. FOLEY,  
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

June 19, 1992 at 9:10 a.m.: That the Senate agreed to the Conference Report on the bill H.R. 5132 and the amendments in disagreement.

With great respect, I am,  
Sincerely yours,

DONALD K. ANDERSON,  
Clerk, House of Representatives.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, June 19, 1992:

H.R. 5132. An act making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes.

#### THE COURAGE OF BILL CLINTON

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, yesterday, democratic Presidential candidate Bill Clinton announced a major economic plan to rebuild America and revitalize this economy. He proposed massive investment in transportation, technology, and conversion of defense industries from building cold war weapons to meeting civilian needs.

He wants to revive our cities through worker training, education, and apprenticeship programs. He wants to create jobs and train workers to fill them. He wants to make cities safer by putting more police on the street.

And this is not fiscal fantasy. He proposes paying for this investment by increasing taxes on people making over \$200,000 a year and corporations, closing tax loopholes enjoyed by foreign corporations, and reducing Government bureaucracy. He also will provide tax relief for middle-class workers and families with children.

Bill Clinton is facing the issues head on. He has a plan to put the country back on track. In a campaign in which one candidate has no plans, and the other will not reveal his, it's good to see someone with the courage to present a program to the voters.

#### IT IS TIME TO RETIRE JOE CAMEL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, old Joe Camel should be retired. The gentleman from Kentucky and three of his esteemed colleagues, including the gentleman from Colorado, who is on the floor today, 3 weeks ago wrote RJR-Nabisco Co., which makes Camel cigarettes, asking that company to show social awareness and retire Joe Camel,

whose ads are targeted at young people and children.

Just yesterday, the American Medical Association, at its meeting in Chicago, joined with Surgeon General Antonia Novello and paraded against Joe Camel, again urging that that ad campaign be discontinued.

All of this, Mr. Speaker, comes on the heels of the Environmental Protection Agency's warnings in a long, lengthy study saying that there is health risk to young children and infants who are exposed to downwind or secondhand smoke.

Mr. Speaker, the future is in our children. Anything which jeopardizes that future should be discontinued and banned. Joe Camel should be retired.

#### TRADE WIMPS ANONYMOUS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Japan is in a recession. So Japan is now passing Buy Japan legislation, and they are doing just that.

Uncle Sam is not so wise. In fact, we have dropped from second in the world to No. 5 for economic competitiveness. And we are now second to last in education, 21st in the world. But Uncle Sam still purchased 1.6 million dollars' worth of Japanese snowmobiles; 1.2 million dollars' worth of Japanese paper-punching machines; 6 million dollars' worth of Japanese film.

I ask my colleagues, Mr. Speaker, what is wrong with Kodak?

I think the three Presidential candidates should all recommend a new fund for Congress, a TWA school known as Trade Wimps Anonymous. That is exactly what Congress is, and we will be lucky we have a job left before this is all over.

#### COMMITTEE ON THE JUDICIARY STILL ATTEMPTING TO OBTAIN THE FACTS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, last week, as we had Premier Yeltsin here, I think all of us started thinking back over the past year. A year ago, I do not think any of us would have thought that Gorbachev would have been ousted in office by Saddam Hussein. Yet indeed, that happened.

Gorbachev, the great reformer, is gone; Saddam Hussein is still there.

One of the reasons we think that Gorbachev may be gone and Saddam Hussein is still there could possibly be our Government's policy toward Iraq before Desert Storm. It is very possible that we gave more aid to Iraq than we did to the Soviet Union, as it was trying to deal with its reforms.

Therefore, it did not deal very well and had this huge upheaval.

Tomorrow the Committee on the Judiciary is going to make one more attempt to try to get to the bottom of this. On June 2, we had four committee chairmen testify that they have been trying to find out about America's pre-Desert Storm policy toward Iraq and have been stopped at every turn.

Our committee then asked for the two witnesses they said they really needed to hear from, Nicholas Rostow and C. Boyden Gray.

The White House has refused to send those two. I think that is very tragic, but we will take the two Committee on the Judiciary people that they are sending us and hope that we get to the bottom of it.

I think it is very sad this coverup that is going on about the pre-Desert Storm Iraq policy that this Government had.

#### INTRODUCTION OF HEALTH CARE FRAUD PROSECUTION ACT OF 1992

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, health care fraud costs our country between \$50 to \$80 billion a year—an estimated 10 percent of our overall health care costs. With health care costs expected to surpass \$800 billion this year, fraud is taking money out of the pockets of working middle-class families, food out of the mouths of seniors, and jobs from workers when small businesses are forced to close their doors. Health care crooks are getting rich while average Americans are paying the price.

Health care fraud takes many forms. Doctors submit false bills for procedures they never conducted; they pay kickbacks to lawyers and others to steer patients to them; or they write fraudulent prescriptions to patients who then sell the drugs on the black market. While the vast majority of all health care providers are honest professionals that give this country the highest quality care in the world, a growing number of dishonest individuals are wreaking financial havoc on the system.

Today, I am introducing legislation, along with Chairman SCHUMER of the Crime and Criminal Justice Subcommittee, to attack health care fraud. The Health Care Fraud Prosecution Act of 1992 would increase penalties for health care fraud, require health care cheats to pay restitution, establish a civil and criminal asset forfeiture procedure, and improve the Federal Government's ability to identify and prosecute fraud.

As we look for ways to reduce skyrocketing health care costs, we must confront the problem of fraud and abuse.



□ 1220

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after consideration of H.R. 5055, the Coast Guard authorization bill.

ESTABLISHING A WORLD WAR II  
MEMORIAL

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1624) to provide for the establishment of a memorial on Federal land within the District of Columbia to honor members of the Armed Forces who served in World War II, and to express the sense of Congress concerning the United States' participation in that conflict, as amended.

The Clerk read as follows:

H.R. 1624

## SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The American Battle Monuments Commission is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986 (40 U.S.C. 1001, et seq.).

(c) HANDICAPPED ACCESS.—The plan, design, construction, and operation of the memorial pursuant to this section shall provide for accessibility by, and accommodations for, the physically handicapped.

## SEC. 2. ADVISORY BOARD.

(a) ESTABLISHMENT OF BOARD.—There is hereby established a World War II Memorial Advisory Board, consisting of 12 members, who shall be appointed by the President from among veterans of World War II, historians of World War II, and representatives of veterans organizations, historical associations, and groups knowledgeable about World War II.

(b) APPOINTMENTS.—Members of the Board shall be appointed not later than 3 months after the date of the enactment of this Act and shall serve for the life of the Board. The President shall make appointments to fill such vacancies as may occur on the Board.

(c) RESPONSIBILITIES OF BOARD.—The Board shall—

(1) in the manner specified by the Commission, promote establishment of the memorial and encourage donation of private contributions for the memorial; and

(2) upon the request of the Commission, advise the Commission on the site and design for the memorial.

(d) SUNSET.—The Board shall cease to exist on the last day of the third month after the month in which the memorial is completed or the month of the expiration of the authority for the memorial under section 10(b) of the Act referred to in section 1(b), whichever first occurs.

## SEC. 3. PRIVATE CONTRIBUTIONS.

The American Battle Monuments Commission may solicit and accept private contributions for the memorial.

## SEC. 4. FUND IN THE TREASURY FOR THE MEMORIAL.

(a) IN GENERAL.—There is hereby created in the Treasury a fund which shall be available to the American Battle Monuments Commission for the expenses of establishing the memorial. The fund shall consist of—

(1) amounts deposited, and interest and proceeds credited, under subsection (b);

(2) obligations obtained under subsection (c); and

(3) the amount of surcharges paid to the Commission for the memorial under the World War II 50th Anniversary Commemorative Coins Act.

(b) DEPOSITS AND CREDITS.—The Chairman of the Commission shall deposit in the fund the amounts accepted as contributions under subsection (a). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(c) OBLIGATIONS.—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the fund.

(d) ABOLITION.—Upon the final settlement of the accounts of the fund, the Secretary of the Treasury shall submit to the Congress a draft of legislation (including technical and conforming provisions) recommended by the Secretary for the abolition of the fund.

## SEC. 5. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance in the fund created by section 4, the Chairman of the American Battle Monuments Commission shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

## PARLIAMENTARY INQUIRIES

Mr. DICKINSON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DICKINSON. Mr. Speaker, I am here in opposition to the bill. I believe both of these gentlemen are in support of it.

The SPEAKER pro tempore. Is the gentleman from Arizona [Mr. STUMP] in support of the motion?

Mr. STUMP. Yes, Mr. Speaker, I am.

The SPEAKER pro tempore. Then the gentleman from Alabama [Mr. DICKINSON] will be recognized for 20 minutes.

Mr. DICKINSON. Mr. Speaker, will the gentleman from Mississippi [Mr. MONTGOMERY] yield for an inquiry?

Mr. MONTGOMERY. I will be glad to yield to the gentleman from Alabama, if this does not come out of my time now. I only have 10 minutes.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY] for 20 minutes.

Mr. MONTGOMERY. I will be glad to yield to the gentleman. However, I ask unanimous consent to yield 10 minutes to the gentleman from Alabama [Mr. DICKINSON].

The SPEAKER pro tempore. The gentleman from Alabama has 20 minutes.

Mr. DICKINSON. I have my time, Mr. Speaker. I am trying to establish a point to see whether or not the gentleman from Mississippi could agree not to bring the bill to the floor. I want to ask a question of the gentleman.

Mr. MONTGOMERY. This will be out of the gentleman's time, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. DICKINSON] has asked the gentleman from Mississippi [Mr. MONTGOMERY] to yield. The gentleman from Mississippi refuses to yield.

## PARLIAMENTARY INQUIRY

Mr. DICKINSON. I will be glad to take whatever time might be consumed out of the time allotted to me.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized for such time as he may consume.

Mr. DICKINSON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DICKINSON. Mr. Speaker, let me say, it is my understanding that on June 5 the gentlewoman from Ohio [Ms. KAPTUR], who is a prime sponsor of the bill, which was less than 2 weeks ago, in a colloquy with the chairman of the Committee on Veterans' Affairs, stated, and I quote, "Mr. Speaker, I assume also it was the intention of the gentleman to preserve prerogatives of other House committees such as the Committee on House Administration?" It was my understanding, according to the CONGRESSIONAL RECORD, that the answer was in the affirmative.

It is my understanding now, being a member of the Committee on House Administration, that this bill was not presented in subcommittee and voted on; it was pending, it was not submitted to the full committee and voted on by the full committee. I am told that

there was an informal poll taken by telephone in which the minority was not consulted, as far as I can tell. At least, there was no affirmative vote.

If that is so, and I do not know if the gentleman from Mississippi [Mr. MONTGOMERY] can respond to this, I would like to know if the bill that is being presented now has been amended or is it exactly as it was introduced and pending before the Committee on House Administration?

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I am pleased to yield to the gentleman.

Mr. MONTGOMERY. Actually, Mr. Speaker, the gentleman would have to take up his statement about what action was taken in the Committee on House Administration, he would have to take that up with the gentleman from North Carolina [Mr. ROSE]. As the gentleman says, he is on that committee. We agreed with several amendments that the committee on House Administration wanted to put in the bill of the gentlewoman from Ohio [Ms. KAPTUR], the bill before us today. Actually, the amendments are, in effect, what the gentleman wanted: There will be no public funds used in this legislation taken out of the Treasury of the country, and it would be done by private funds and by selling of coins. There will be a bill tomorrow that will come up that I believe will clear up what the gentleman wanted.

Mr. DICKINSON. Mr. Speaker, let me say from the gentleman's response I have to assume that the bill that we are now debating here has been amended from the bill that was originally pending before the Committee on House Administration, is that correct?

Mr. MONTGOMERY. If the gentleman will continue to yield, that is correct.

Mr. DICKINSON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DICKINSON. Mr. Speaker, it is my understanding that H.R. 1624 is being brought to the floor today revised by a poll of the Committee on House Administration, not a vote in committee. If a bill has not been amended in committee or full committee, can it be brought to the floor amended? It is within the rules of the House to amend legislation through polls without a vote within the committee?

The SPEAKER pro tempore. Under suspension of the rules the bill as amended is properly before the House. The manager may include an amendment in his motion.

Mr. DICKINSON. A bill may be amended by a telephone inquiry whether or not all the members were polled, is that the ruling of the Chair?

The SPEAKER pro tempore. The manager may include an amendment in his motion.

Mr. DICKINSON. Mr. Speaker, I do not understand the last statement.

The SPEAKER pro tempore. The manager may include an amendment in his motion, to suspend the rules, whether or not it has been formally approved by a committee.

Mr. DICKINSON. Mr. Speaker, will you please restate that? I misunderstood the Chair.

The SPEAKER pro tempore. The manager may include an amendment in his motion whether or not it has been formally approved by a committee.

Mr. DICKINSON. Mr. Speaker, I have a further parliamentary inquiry, if I may.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DICKINSON. Mr. Speaker, if the bill can be amended by poll, how can the poll be valid when the chairman of the Committee on House Administration waived the right to jurisdiction over the bill?

The SPEAKER pro tempore. The Chair cannot comment on any formality by the committee leading up to this proceeding. The bill is properly before the House, under the Speaker's discretionary authority.

Mr. DICKINSON. I thank the Chair.

#### GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1624, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume, and I yield 10 minutes to the gentleman from Arizona [Mr. STUMP].

The SPEAKER pro tempore. Without objection the gentleman from Arizona [Mr. STUMP] will be recognized for 10 minutes.

There was no objection.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Mississippi [Mr. MONTGOMERY] for such time as he may consume, up to 10 minutes.

Mr. MONTGOMERY. Mr. Speaker, H.R. 1624, as amended, was introduced on March 22, 1991, by a former member of our committee, MARCY KAPTUR, of Ohio. For many years, she has been leading the effort to establish a memorial to honor members of the Armed Forces who served in World War II and to honor the United States involvement in that conflict. The bill was considered and passed by our committee on July 23, 1991. I want to congratulate Ms. KAPTUR for the many hours she has devoted to this bill—for getting it out of the two committees and to the floor of the House.

I want to also express my appreciation to Chairman CHARLIE ROSE and

members of his committee for allowing this bill to be taken up today. It is important that we move this legislation swiftly and get it enacted before Congress adjourns this year.

H.R. 1624, as amended, would authorize the American Battle Monuments Commission to establish the memorial. The bill would require that the Commission build the memorial in accordance with standards contained in the Commemorative Works Act of 1986. We believe the Commission is the proper body to oversee the establishment of the memorial. It operates and maintains monuments throughout the world and is currently involved in building the Korean Memorial. The Commission is accountable to the President and the Congress. It understands its job as a guardian of memorials around the world.

No public funds would be used in designing and constructing the memorial. The Commission would be authorized to solicit funds and accept private donations. All costs would come from these private donations and from revenues derived from the sale of commemorative coins as set out in H.R. 1623.

H.R. 1624, as amended, would authorize the establishment of an advisory board of 12 members whose primary function would be to promote and encourage donations. In addition, when asked to do so by the Commission, the board could act as an advisory body in the site selection and design for the memorial, but I would hasten to point out that it would only become involved in that aspect of the memorial when asked to do so by the Commission. Members of the board would be appointed by the President from among veterans of World War II, historians of World War II and representatives of veterans organizations, historical associations, and others knowledgeable about World War II.

Mr. Speaker, since December 7 of last year, ceremonies have been held throughout the world honoring events that occurred during this long and critical war. It is time that we paid tribute to those who defended America during this time, and I am pleased to support Ms. KAPTUR in her efforts to get this memorial established in our Nation's Capital.

□ 1230

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. KAPTUR], the author of this legislation.

Ms. KAPTUR. Mr. Speaker, this bill today has been 50 years in the making, from the moment Japan bombed Pearl Harbor on December 7, 1941, to the days that victory was declared in Europe and in the Pacific in 1945.

As we move this bill today toward House passage, I would like the RECORD to show that the idea for its creation



came from a humble veteran from Ohio's Ninth District, Mr. Roger Durbin, who served with the 90th Reconnaissance Unit of the 10th Armored Division during World War II. He is currently a resident of Richfield Township, in Lucas County outside Toledo, OH. His dream was to commemorate all those Americans, 16 million of them, who fought in defense of freedom at its most compelling moment in this century. His desire was a simple one, to help create a place in America where he could bring his grandson to explain the ideals for which he and others fought, and where Americans in years hence could visit and pay homage and tribute to those who preserved freedom for the Western World.

I will read from the original letter that he sent me over 4 years ago.

I think it is kind of ironic for me to \*\*\* ask you for a World War II memorial. If it had not been for the World War II veterans [Congress] would not be sitting today representing the American people in this, the best form of government in the world.

Wouldn't it be nice to honor the World War II veterans with the memorial they deserve in our Nation's Capital while one-half of them are still living.

The passage of this bill has been complicated by the fact that it was referred to three committees. So I am especially grateful and commend Chairman MONTGOMERY of Mississippi for his vigilant support over the 4 years it has taken to move this bill to passage. I also want to congratulate the gentleman from Arizona [Mr. STUMP] a Navy veteran himself and the ranking member who knows the value of recognizing those who have served. When I chaired the veterans' subcommittee charged with memorial affairs their steadfast support kept this dream alive.

The gentleman from West Virginia, Mr. HARLEY STAGGERS, the new chair of the subcommittee, reported this bill again over 1 year ago, and America's veterans thank him too. The gentleman from Missouri, Mr. BILL CLAY, chairman of the Libraries and Memorial Affairs Subcommittee of the House Administration Committee, advised me over 3½ years ago that this bill would be moved concurrently by the House Administration Committee, and so it has. I am most grateful to the chairman of the full House Administration Committee, the gentleman from North Carolina, Mr. CHARLIE ROSE, for his support and willingness to move these bills concurrently and to assure that it complies with the Commemorative Works Act.

I also want to extend a sincere hand of gratitude to all of the veterans' organizations across our country who have worked so diligently to help gain cosponsorship for this bill, now over 240 Members of the House, and who have waited through the public hearing process, and through that process of finetuning the legislation to assure

that this memorial's construction will have proper oversight and proper accountability of funds. And so we thank today the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Military Order of the Purple Heart, the Polish Legion of American Veterans, the Normandy Foundation, and the Paralyzed Veterans of America.

In taking this important step toward constructing this memorial, let us remember during World War II countries representing over half the world's population went to war. More civilians and military personnel were killed, more money spent, more property damaged and more sweeping political changes resulted than in any other war during this century. Over 16 million American men and women served this Nation in uniform. Over 406,000 Americans sacrificed their lives in defense of freedom. American GI's fought heroically on all fronts, in the Pacific, the Atlantic, in Europe, Asia, the Mediterranean, and North Africa. The names and places are familiar to us all: Pearl Harbor, Midway, Coral Sea, Bataan Death March, Battle of the Bulge, Normandy, Omaha Beach, and dozens of other battles.

Please let us move forward in passage of this memorial to pay tribute to those who gave their lives to the enduring values to which our participation in that struggle is dedicated.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1624, as amended, a bill to establish a World War II memorial.

As 1 of 59 World War II veterans in this body, I am proud to take part in the establishment of such a long overdue memorial.

This bill would authorize the American Battle Monuments Commission to establish a memorial to honor members of the Armed Forces who served in World War II. The memorial would also commemorate the United States participation in that conflict.

H.R. 1624 also establishes an advisory board to promote establishment of the memorial, encourage donations, and assist and cooperate with the ABMC in the selection of the site and design for the memorial.

The total cost of the memorial would come from private contributions and revenues derived from the sale of commemorative coins.

This measure is the result of over 4 years of hard work and I would like to commend its sponsor, MARCY KAPTUR, for her perseverance and determination.

My good friend, SONNY MONTGOMERY, the chairman of the Committee on Veterans' Affairs, should also be commended for his leadership in moving this legislation.

Mr. Speaker, I would also like to recognize HARLEY STAGGERS, chairman of

the Subcommittee on Housing and Memorial Affairs, and DAN BURTON, the ranking member of the Subcommittee on Housing and Memorial Affairs for their work on H.R. 1624.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of a long overdue measure, House Resolution 1624, as amended, a bill to provide for the establishment of a memorial to honor members of the Armed Forces who served in World War II. I wish to thank the sponsor, the gentlewoman from Ohio [Ms. KAPTUR], the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member of the Veterans' Affairs Committee, the gentleman from Arizona [Mr. STUMP], for bringing this measure before us today.

Mr. Speaker, while our Nation is at peace after the recent Persian Gulf war, let us never forget the supreme sacrifice that was made by those young people who have served our Nation so valiantly in the defense of democracy and freedom. While there are those of us who have experienced the horrors of war firsthand, many Americans today are poorly informed of the tremendous chaos, tragedy, and atrocities associated with the dark period in human history of World War II. How many young Americans, today are aware that over 400,000 servicemen gave their lives in the fight against the inhumane oppression of totalitarianism? How many remember the 16 million Americans who valiantly served in the U.S. Armed Forces during this period? How many are aware of the immense destruction, of the revolutions, and of the vast migrations that worldwide war caused?

Mr. Speaker, this resolution represents but a small token of the gratitude that our Nation feels for those who died in the defense of freedom. During this time of remembrance as the 50th anniversary of World War II, it is only befitting that we provide a tangible symbol for America's bitter-sweet victory. Although there are well-warranted memorials commemorating other conflicts, unfortunately, at this point, there is no lasting tribute to the veterans of World War II.

This memorial, to be built by the American Battle Monuments Commission, is to be funded by private donations and through the sale of World War II commemorative coins.

It is the duty of those of us who lived through the war to ensure that America remains strong in its defense and unflinching in its support of democracy. Let this memorial provide us with a sobering reminder of the tragic cost of bloodshed and the destructive power of hate. But let it also proclaim the brav-

ery and valiant heroism of the ones we remember and let it symbolize the gratitude we feel for those were willing to put their lives on the line to make certain that their families and children would live in a world free of tyranny and full of freedom. In this way let us thank not only the martyrs but also those who survived to enjoy the many privileges and fruits of freedom that we all possess.

□ 1240

Mr. DICKINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise with some reluctance today, because it was not my intent to appear today. I thought that the matter would be brought up in the Committee on House Administration.

I do not oppose, in fact, I very strongly favor, erecting a monument in the memory of those who fought in World War II. I think it is unconscionable that we have gone nearly 50 years without an adequate commemoration of those who fought, died, bled, and sacrificed so much so that we could be here today to enjoy the fruits of freedom for which they paid the price.

I am proud to have been a veteran of that war, as is my good friend, the gentleman from Arizona [Mr. STUMP], and the gentleman from Mississippi [Mr. MONTGOMERY].

I am not here in opposition to erecting a monument. I am here strongly in favor of a commemoration and a commemorating monument to those who gave so much in World War II.

My opposition is in how do we pay for it. I have discussed this with the gentlewoman from Ohio [Ms. KAPTUR], and I think I have discussed it briefly with the gentleman from Mississippi [Mr. MONTGOMERY].

I think that probably the best way is to not do it with Federal funds but through private contributions which can readily be attained, in my opinion, as an organization that is set up for this purpose. I have met with them. They have met with Senator THURMOND. They have met with Gen. P.X. Kelley, who is chairman of the American Battle Monuments Commission. There is a difference of opinion about how the best way would be to fund it.

In my conversation with the gentlewoman from Ohio [Ms. KAPTUR] at first I thought she was amenable to the idea. Then later she said no, that she held fast to the idea that it should best be paid for by the sale of commemorative coins.

I do not think that is the way to go. I think it will take too long. I communicated to the gentlewoman from Ohio [Ms. KAPTUR] that I talked to Senator THURMOND, who had introduced and passed the bill in the Senate. I thought that was the best way to go, and if she did not want to support that bill, that I felt obligated to introduce, and did introduce, a companion bill to that introduced by Senator THURMOND.

I have introduced a bill for private funds to build such a memorial. It is cosponsored, Mr. Speaker, by over 90 Members of the House today.

It was waiting to be heard in the Committee on House Administration tomorrow, Tuesday, to be compared with the bill that is being debated today. I thought that the matter would be before the subcommittee that has jurisdiction over these matters to compare. I thought that the committee itself would vote and report out the bill.

I have now learned that there was no such meeting. The subcommittee met, and by having the members of the subcommittee; the four Democrats approved it, and the two Republicans did not approve it. It was scheduled for a full committee meeting. It was pulled from the full Committee Calendar tomorrow and comes up here under suspension, so we do not have any chance to amend it, to discuss it, to offer what I think is a better plan.

I do not oppose the building of a monument. I say that it is a better idea to finance it privately. That is the only difference between the bill under discussion and my bill.

So, as I said, I have over 90 cosponsors of the bill. I think that it is best to go under the regular order by going through the committee before we come to the floor under suspension where we cannot amend it.

It is for that reason that I am here today in opposition to this particular bill at this particular time.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I am happy to yield to the gentlewoman from Ohio.

Ms. KAPTUR. I noticed that the gentleman has stated several times that he believes that this should be funded privately. Well, sir, do you not accept the fact that if someone sells commemorative coins that, in fact, those are private contributions and not publicly appropriated dollars? Does the gentleman understand that is what is in the bill, not in this bill, but in the companion bill in the Committee on Banking, Finance and Urban Affairs?

Mr. DICKINSON. Mr. Speaker, reclaiming my time, let me respond if I may then.

The original bill provided, the bill reported by the Committee on Veterans' Affairs, authorizes the appropriation of such funds as are necessary to establish a World War II—

Ms. KAPTUR. But that is no longer in the bill. Is that correct, sir?

Mr. DICKINSON. I will continue on my own time, and I will yield to the gentlewoman if she asks for it when I finish my statement.

This is one of the things I objected to. This is one of the things that was amended by a telephone conversation, I am told, but never came before the committee. But even with that language out, the version of the bill that

is on the floor today employs Federal funds through the following: First, the authorization of a Federal commission to establish the memorial; second, the minting of commemorative coins, and this is at the cost of Federal funds; and third, establishment of a fund in the Treasury for memorial expenses, managed and invested by the Treasury. All of these things call for Federal funds. I do not care how you try to get around it. Federal funds are involved in this bill.

So I think it would be the proper way to proceed, it would be the fair way, it would be the commonsense way to let the committee that has jurisdiction compare the two versions, report out to the floor whichever version would be selected by the committee, and have it subject to an amendment on the floor to give the entire House an opportunity to speak to this.

Under the bill as it is presented now under suspension, you cannot amend it. It is a take-it-or-leave-it proposition. I think it is not wise, and it is for this reason I object to it.

I think we should build the monument, finance it privately.

Ms. KAPTUR. If the gentleman will yield further, when the gentleman says it should be financed privately, does the gentleman support proper Federal oversight of the construction and the accountability of funds, or is he suggesting that coins be minted by some private group and then sold with no Federal accountability? What type of accountability does the gentleman support?

Mr. DICKINSON. I will be glad to say that I am not for striking a coin by any group. I am not for selling of coins. I think the money can be solicited privately from veterans, from people interested in veterans, and it can be totally done without Federal dollars, and this is the way I think would be the best way to go.

So I think we are premature in the way it is being brought to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. STUMP] be allowed to yield me 4 of his 6 minutes, that he keep 2 of those minutes, and that I be allowed to yield that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] now controls a total of 6 minutes.

□ 1250

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from



Ohio [Mr. APPLGATE], a member of the committee.

Mr. APPLGATE. Mr. Speaker, I thank my chairman for yielding me this time.

Mr. Speaker, I do not care how it is going to be financed. I am just happy with the fact that it will be financed, because at long last we are going to recognize the veterans from the big one, from Pearl Harbor to Guadalcanal and Bataan to Midway, to Iwo Jima, to South Africa, to Italy, to Normandy, the Battle of the Bulge, to unconditional surrender of Germany, Italy, and Japan in 1945, brother, it has been a long time in coming.

To those 16½ million veterans who served, 406,000 of which who died in service, 130,000 who were prisoners of war and nearly 80,000 missing in action, to the millions who were injured and to the millions who were disabled and to the 8½ million who are still living amongst us, this memorial is for you, but also for all Americans to remember the sacrifices of those who preserved precious freedoms for all of us.

Mr. DICKINSON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I thank the gentleman from Alabama for yielding me this time, and join my colleague, the gentleman from Ohio.

He forgot, though, that the 10th and 11th Battalions of marines helped MacArthur retake the Philippines.

I served in the Marine Corps with the 11th Battalion 155-millimeter gun battalion in those years, and as a veteran of World War II, I commend the Members of the House, the gentleman from Alabama [Mr. DICKINSON], the gentleman from Ohio [Ms. KAPTUR], and the gentleman from Arizona [Mr. STUMP] for bringing this measure before the House.

I think it is only fitting that after 50 years that we now commemorate the veterans of World War II with a monument in the Nation's Capital, something we have been remiss in doing; however, I have the same hesitancy as my colleague, the gentleman from Alabama, in saying that by the time we go the route that the sponsors of this legislation are going by the issuing of a coin, the selling and advertising of those coins, appealing to the Battle Monuments Commission, cooperating with the Corps of Engineers, that we will become enmeshed in the Federal bureaucracy. We will become enmeshed in the Federal congressional appropriations process and that we may delay the construction of that monument beyond August or September of 1995, which will be the final limits of the action in World War II.

I would hope that as the sponsors meet with their Senate colleagues to work out a bill that will finally fund this monument that we will look toward expediting it by private funding.

I believe that if we would use the private funding source, properly monitored by the Battle Monuments Commission, properly monitored by a Presidential commission, which is what the bill of the gentleman from Alabama [Mr. DICKINSON] does for the expenditure of these funds, that the private sector could raise the funds much more rapidly than we can by the selling of individual coins throughout the country.

Perhaps I might suggest to the sponsors and to the gentleman from Alabama [Mr. DICKINSON], who may be serving in conference with the Senate, that we merge the two concepts, that we sell coins, and for those of us who want to have some small participation in the financial construction of this monument, but that we also look out into the private sector where corporations, where foundations, may be willing, instead of buying 10,000 coins, they may be willing to contribute their funds, expedite the funding of this and bring the monument within the time constraints.

I hope that we do not have to look at you in 1995 and say that you took the wrong approach by delaying the funding mechanism.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. STAGGERS], who reported this bill out of the subcommittee.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 1624, the bill introduced by my friend from Ohio, my colleague MARCY KAPTUR, which would authorize the establishment of a World War II Memorial in the District of Columbia. Ms. KAPTUR has been working diligently to bring this project to fruition since 1987. In order not to spend taxpayers' dollars, she has also been working simultaneously on a coin bill, H.R. 1623, to fund this memorial.

No one Member could have been more dedicated to this cause and I commend her for her efforts. My subcommittee has held numerous hearings on this matter. The bill is strongly supported by veterans organizations and the Congress. H.R. 1624 currently has over 240 cosponsors.

In essence, the bill directs the American Battle Monuments Commission—which oversees American cemeteries and memorials worldwide—to establish the World War II Memorial in the District of Columbia or its environs. The Commission would be responsible for the planning, designing, and construction. H.R. 1624 also provides for an advisory board appointed by the President to promote the establishment of the memorial and to encourage contributions for its construction.

Mr. Speaker, I believe a fitting tribute to the 16 million Americans who

served their country and the over 400,000 who died in service during World War II is long overdue and I urge favorable consideration of this bill.

Mr. DICKINSON. Mr. Speaker, I yield myself the balance of the 6 minutes.

In closing, Mr. Speaker, let me reiterate and I hope it is not necessary, I am not opposed to the building of a memorial for those who fought and died and sacrificed in World War II. I am a strong advocate of it. I believe in it. I think it is shameful that it has not already been done.

The question is, How do you finance it? Do we sell coins? Do we go through a Federal bureaucracy? Do we have to raise money and use Federal funds, or can we do this privately? If so, how can the moneys be audited and properly accounted for?

Mr. Speaker, many millions of people have had the opportunity to go down on The Mall not very far from here and look at the Vietnam Memorial that is most impressive. It has made all the news over the Father's Day weekend and look at the thousands of names of those who gave their lives there. It is a beautiful memorial, a very fitting memorial. I think it is probably one of the most emotion-evoking memorials that is in existence today.

Mr. Speaker, this monument was built and put in place and totally funded with no Federal funds involved. That is what I would propose to do in this instance.

The question is, well, What is the accountability?

Well, under the bill of Senator THURMOND and under my companion bill introduced in the House, we provide for the raising of funds by the National World War II Memorial Fund, and there is accountability.

My bill addresses the intent of the Commemorative Works Act, the CWA, which says the Congress may authorize a memorial. Then the National Capital Memorial Commission, the Commission on Fine Arts and Interior to approve the site, design and construction, and generally 501(c)(3) organizations which are subject to IRS regulations are authorized to establish memorials.

Now, that is the authorization. That is the accountability. That is what is in the Federal law today.

□ 1300

This is the accountability of the funds that will be used, that will be raised by the National World War II Memorial Fund, and, if such an organization can build and put in place, and in a relatively short time, with no Federal funds, the Vietnam Memorial, I feel like that they can meet the deadline, which incidentally the deadline is September of 1995, which is the 50th anniversary. I do not believe that the bill presently on the floor will meet that deadline. I am convinced that without Federal funds we can meet that dead-

line. I think that every other thing that would be in control, that would be in control of the project, whether it be going through the Battle Monuments Commission, and they would be part of it, would insure, just as it did in the Vietnam Memorial, that what we have would be adequate, would be proper, would be fitting in every way, without costing the taxpayers a cent.

Mr. Speaker, I am standing here today because I did not get the opportunity to do this in committee, where it should have been done, where we could compare the two and come up with the best result. I am not opposing the capital bill per se because I believe the intent is good, and I support such an intent. I just do not think selling coins and going about it in that way will do it in time, and it is definitely using Federal funds to bring about what is sought to be accomplished here.

So, as I have said before, I have introduced a companion bill to the one already passed in the Senate by Senator THURMOND. I have introduced it in the House; it is the same as already passed over there, so we do not have to worry about that hurdle. I had over 90 cosponsors already when I filed the bill. It does not use Federal funds, it has all the accountability that is necessary, and, if we can do it for the Vietnam veterans, we can do it for World War II, and, by going this route, we can accomplish it by the deadline, the 50th anniversary, which is what we are all seeking to do. Otherwise I think we will meet with interminable delays.

Mr. Speaker, I really object to the procedure here. It should have gone through committee. No committee met and decided this, either full committee or subcommittee, and I serve on the full committee where I thought I would have had the opportunity to present it. The bill was pulled and brought over here under suspension where it cannot be amended, and it catches everybody who has an interest in the bill very much by surprise. Here it is the first bill on Monday, noon, when most Members are not back, and certainly I was only apprised about the fact that this was going to be on suspension after the last vote Thursday when everybody had left town.

So, Mr. Speaker, I think in all fairness, and comity and in an orderly process we should vote it down today, bring it through the committee system, and then let the House work its will by amendment, if it so desires.

Mr. STUMP. Mr. Speaker, I yield myself 1 minute, and then yield the balance of my time to the gentleman from Mississippi [Mr. MONTGOMERY], my friend and chairman of the Committee on Veterans' Affairs.

Mr. Speaker, I think we all know that it is very difficult to strike a perfect balance between private funding and Government or Federal oversight,

but I think we have attempted to do that in this bill, and we did so to try to avoid some of the problems that arose during the construction of the Vietnam Memorial and the Korean War Memorial, and I think this bill will take care of those problems.

Mr. Speaker, I urge passage of H.R. 1624.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. KAPTUR], the sponsor of this bill.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY] for yielding this time to me, and I just want to state, as we close, that 4 years of action by the various committees of this House is truly sufficient, and in fact, I think it is time we move the bill, or consideration by the committees will take longer than the war itself.

I think it is also important to point out that H.R. 1624 does provide for private contributions to be solicited and accepted by the American Battle Monuments Commission. That is extremely important, but where our bill differs from some of the other proposals that are being talked about is our bill provides for proper Federal oversight and accountability of funds so the people of this country do not run into the same trouble as they did in prior years with certain private interest groups, seeing the patriotism of American people, taking advantage of them.

So, Mr. Speaker, I want to commend the chairman of the full committee, the gentleman from Mississippi [Mr. MONTGOMERY] for his leadership, the gentleman from Arizona [Mr. STUMP], the ranking member, and all of those, the gentleman from West Virginia [Mr. STAGGERS], the chairman of the subcommittee, for their full support, and I thank the veterans of this country.

Mr. MONTGOMERY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to again compliment the gentlewoman from Ohio [Ms. KAPTUR] for the great work she has done; we are very proud of the women Members in Congress. I point out that the gentlewoman from Ohio [Ms. OAKAR] was the chief sponsor of the Korean Memorial. That memorial is going very, very well. The gentlewoman from South Carolina [Mrs. PATTERSON], the gentlewoman from Indiana [Ms. LONG], the gentlewoman from California [Ms. WATERS] serve on the Committee on Veterans' Affairs and have been very supportive of veterans legislation. On the Committee on Armed Services we are proud that the gentlewoman from Colorado [Mrs. SCHROEDER], the gentlewoman from Maryland [Mrs. BYRON] and the gentlewoman from Tennessee [Mrs. LLOYD] are also very supportive of measures for veterans such as the bill we are considering today.

Let me point out once more that the bill calls for the use of private funds, and there will be no public funds used to build this World War II Memorial. In section 3 of the bill it says that the "American Battle Monuments Commission may solicit and accept private contributions for the memorial."

This is similar to the procedure we used in establishing the Korean Memorial. It was successful. Veterans organizations will come forward. They will give money to the Battle Monuments Commission to build this memorial. The money will go directly into the Treasury of the U.S. Government, and the money will be there for the architecture and for the planning and for the construction.

Let me say, Mr. Speaker, this memorial is long, long overdue. Over 400,000 Americans lost their lives. There was only one other war where we lost more lives, and we did not have an accurate count, and that was the Civil War during which an estimated 620,000 Americans lost their lives fighting each other. Mr. Speaker, 16 million Americans were called to active duty in World War II. This memorial is long overdue.

The gentleman from Alabama [Mr. DICKINSON] is a combat veteran of World War II, 3 years in the Navy. The gentleman from Arizona [Mr. STUMP] served 3 years in the Navy, in the Pacific, one of the young persons that marched or sailed off to war at 18 years of age. I am very proud that I have on today the Combat Infantry Badge that I earned in World War II.

We need this memorial. The time has passed us, and I certainly hope that we will get the full support of the House of Representatives, and pass this bill today and pass it on a unanimous vote.

□ 1420

Mr. DORNAN of California. Mr. Speaker, I just wanted to say how important this World War II Memorial is in an educational sense. We have a frightening situation approaching us that President Reagan mentioned when he was leaving office of forgetting our history and forgetting the women and men who actually gave the full measure of devotion and died for freedom.

The abysmal lack of knowledge about World War II in our high schools, if not our universities, is just absolutely appalling. This is not just a watershed event or a seminal event that history seems to evolve from. It is the cataclysmic event of this entire century. Maybe since the Battle of Waterloo in 1815 which changed European history, there has never been an event such as this.

Today is the 50th anniversary of the fall of Tobruk, where Rommel and his African Corps captured 30,000 British soldiers, the most ever in the history of the empire—except for Singapore a few months before on New Year's Day when 60,000 British soldiers were taken.



The Africa Corps picked up half a million gallons of gasoline, 3 million rations, and were able to drive all the way to El Alamein. It could have turned the war.

This is also the 51st anniversary of the Stalin-Hitler pact, being broken by Hitler, attacking Russia under Operation Barbarossa, which probably cost the war for Nazi Germany.

These kind of events must be taught in school, and this memorial is a physical reminder of the 300,000-plus men and women who gave their lives and the 63 million that died in that war, including tens of millions of civilians, in concentration camps and as deliberately targeted people around this world.

So I obviously rise in support of the World War II Memorial.

So, obviously, I rise today in strong support of H.R. 1624 to establish a World War II memorial. For 50 years now, we have enjoyed freedom from the oppression of tyranny, tyranny that threatened to destroy the world half a century ago. Thanks to our brave World War II veterans, we were able to defeat the combined Axis forces of Germany-Japan-Italy, Axis powers that had to be forcibly defeated in combat with great loss of life. One needs only to look back at today's date, June 22, to realize how dangerous the Axis threat was 50 years ago and how brave our service men and women were during the greatest mass killing of all history.

June 22, 1941: 51 years ago, The Nazis launch operation "Barbarossa," the invasion of the Soviet Union, their allies since the Stalin-Hitler pact signed August 23, 1940. The German Army would later surround Leningrad and fight to the very outskirts of Moscow before the Russian winter and later Russian T-34 tanks drove Hitler back. The failure of this invasion operation gave the United States and Great Britain desperately needed time to prepare our forces for combat, combat that would cost 11 million Allied and Axis military lives but ultimately result in victory over Nazi Germany. The unprecedented horror was the 42 million men, women, and children murdered in labor, concentration, and death camps in Japan, Manchuria, China, and throughout Nazi-occupied Europe.

June 22, 1944: President Roosevelt signs the GI bill, which provided a range of benefits to help American servicemen returning from war adjust to civilian life. The GI bill, of course, is similar to the bill guided into law by my distinguished Mississippi colleague SONNY MONTGOMERY, the current Montgomery GI bill.

June 22, 1945: The ferocious fighting on the tiny but heavily fortified Japanese-occupied island of Okinawa ends as United States forces achieve victory. This victory, however, is not without great cost: 12,500 Americans dead and 35,600 wounded—over 100,000 Japanese forces killed in action. The stage is set for final and complete victory over the war lords of Japan, with the end of World War II, just a few short months ahead.

And today, June 22, 1992, I can think of no better day than today to pass legislation to establish a memorial to the brave fighting men and women of World War II. I urge my col-

leagues to vote unanimously for this small but fitting tribute to those who gave so much yet asked for so little in return. From the heartland of our country and from sea to shining sea, our Nation gave the blood of youth so that millions and millions, including generations not yet born, would know the joy and fruits of freedom.

Mr. KANJORSKI. Mr. Speaker, I rise in strong support of H.R. 1624, a bill to establish a memorial honoring Americans who led the United States to victory in the Second World War.

Fifty years ago, this Nation accepted its duty to protect liberty. Tyrants were locking their grip on the world. For a time it seemed that nothing could stop the domination of free peoples by ruthless dictators.

But the enemies of freedom did not count on the bravery of the men and women of the United States. After Pearl Harbor, our Armed Forces were deluged with volunteers willing to risk life itself to defend their families, their country, and precious human liberty.

History will forever record the valor of these great Americans. They fought at Guadalcanal, Midway, Sicily, Normandy, in the press across Europe, at the Battle of the Bulge, in Iwo Jima, Okinawa, and countless other bloody engagements. Also important to the war effort were the Americans who built barracks, typed documents, fed the troops, worked in the mines and on the production lines here at home, and performed all the other tasks necessary to Allied victory.

Americans went overseas knowing there was danger. Nearly 700,000 were wounded in action.

Many never returned; 400,000 Americans died in the service of their country.

The time has come to honor all who contributed to America's success.

H.R. 1624 will establish a memorial to honor members of the Armed Forces who served in World War II, and it will express the sense of Congress that we should hold appropriate 50th anniversary commemorations of U.S. participation in the Second World War.

I cosponsored H.R. 1624, and I testified in support of this legislation when hearings were held last year.

There is at present no monument to the war effort. We have made sure the bill will not require Federal spending, only the appreciation of all Americans willing to contribute to a memorial fund. Tomorrow we will consider another bill, H.R. 1623, which will provide for the sale of a commemorative coin to pay for the building of this memorial without increasing the deficit. I am sure my colleagues will support that effort. In short, there is no reason we should not pass H.R. 1624.

Mr. Speaker, we are voting today to raise a memorial honoring the Americans who helped the allies win World War II. I urge my colleagues to stand behind veterans of that war.

More importantly, I hope we honor veterans every day we live in freedom. When we vote; when we criticize our leaders; when we love our families; and every time we are reminded that we live in the greatest land on Earth—I hope we remember the brave men and women who protected this country in its hour of need.

Mr. POSHARD. Mr. Speaker, I rise in strong support of this bill and in support of the veterans of World War II.

The World War II Veterans earned a special place in history by fighting the forces which threatened democracy and freedom around the world.

Thousands of brave men and women from my home State of Illinois contributed to that effort. We are thankful for those who returned home alive, and eternally grateful for the ultimate sacrifice of those who did not.

It was a defining moment in history, one which showed the strength and courage of this Nation, and I believe we owe those families an appropriate remembrance.

Memorials, such as the one proposed for our World War II veterans, serve many purposes. They comfort those who lost someone dear, they are a source of pride for those who survived, and they provide an important historical resource for the generations to come.

I am pleased to join my colleagues in this effort and pledge my continued support to the veterans of this Nation.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1624, as amended.

The question was taken.

Mr. DICKINSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of order is considered withdrawn.

#### WIC FARMERS' MARKET NUTRITION ACT OF 1992

Mr. KILDEE. Mr. speaker, I move to suspend the rules and pass the bill (H.R. 3711) to authorize grants to be made to State programs designed to provide resources to persons who are nutritionally at risk in the form of fresh nutritious unprepared foods, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3711

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "WIC Farmers' Market Nutrition Act of 1992".

#### SEC. 2. PURPOSE.

The purpose of this Act is to authorize grants to be made to State programs designed to provide resources to women, infants, and children who are nutritionally at risk in the form of fresh nutritious unprepared foods (such as fruit and vegetables) from farmers' markets.

The purpose of this Act is to authorize grants to be made to State programs designed to—

(1) provide resources to women, infants, and children who are nutritionally at risk in the form of fresh nutritious unprepared foods (such as fruits and vegetables), from farmers' markets; and

(2) expand the awareness and use of farmers' markets and increase sales at such markets.

**SEC. 3. WIC FARMERS' MARKET NUTRITION PROGRAM.**

Subsection (m) of section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended to read as follows:

"(m)(1) Subject to the availability of funds appropriated for the purposes of this subsection, and as specified in this subsection, the Secretary shall award grants to States that submit State plans that are approved for the establishment or maintenance of programs designed to provide recipients of assistance under subsection (c), or those who are on the waiting list to receive the assistance, with coupons that may be exchanged for fresh, nutritious, unprepared foods at farmers' markets, as defined in the State plans submitted under this subsection.

"(2) A grant provided to any State under this subsection shall be provided to the chief executive officer of the State, who shall—

"(A) designate the appropriate State agency or agencies to administer the program in conjunction with the appropriate nonprofit organizations; and

"(B) ensure coordination of the program among the appropriate agencies and organizations.

"(3) The Secretary shall not make a grant to any State under this subsection unless the State agrees to provide State, local, or private funds for the program in an amount that is equal to not less than 30 percent of the total cost of the program, which may be satisfied from State contributions that are made for similar programs.

"(4) Subject to paragraph (6), the Secretary shall establish a formula for determining the amount of the grant to be awarded under this subsection to each State for which a State plan is approved under paragraph (6), according to the number of recipients proposed to participate as specified in the State plan. In determining the amount to be awarded to new States, the Secretary shall rank order the State plans according to the criteria of operation set forth in this subsection, and award grants accordingly. The Secretary shall take into consideration the minimum amount needed to fund each approved State plan, and need not award grants to each State that submits a State plan.

"(5) Each State that receives a grant under this subsection shall ensure that the program for which the grant is received complies with the following requirements:

"(A) Individuals who are eligible to receive Federal benefits under the program shall only be individuals who are receiving assistance under subsection (c), or who are on the waiting list to receive the assistance.

"(B) Construction or operation of a farmers' market may not be carried out using funds—

"(i) provided under the grant; or

"(ii) required to be provided by the State under paragraph (3).

"(C) The value of the Federal share of the benefits received by any recipient under the program may not be—

"(i) less than \$10 per year; or

"(ii) more than \$20 per year.

"(D) The coupon issuance process under the program shall be designed to ensure that coupons are targeted to areas with—

"(i) the highest concentration of eligible individuals;

"(ii) the greatest access to farmers' markets; and

"(iii) certain characteristics, in addition to those described in clauses (i) and (ii), that are determined to be relevant by the Secretary and that maximize the availability of benefits to eligible individuals.

"(E) The coupon redemption process under the program shall be designed to ensure that the coupons may be—

"(i) redeemed only by producers authorized by the State to participate in the program; and

"(ii) redeemed only to purchase fresh nutritious unprepared food for human consumption.

"(F)(i) Except as provided in clauses (ii) and (iii), the State may use for administration of the program in any fiscal year not more than 15 percent of the total amount of program funds.

"(ii) During the first fiscal year for which a State receives assistance under this subsection, the Secretary shall permit the State to use 2 percent of the total program funds for administration of the program in addition to the amount the State is permitted to use under clause (i). During any fiscal year other than the first fiscal year for which a State receives assistance under this subsection, upon the showing by the State of financial need, the Secretary may permit the State to use not more than 2 percent of the total program funds for administration of the program in addition to the amount the State is permitted to use under clause (i).

"(iii) The provisions of clauses (i) and (ii) with respect to the use of program funds for the administration of the program shall not apply to any funds that a State may contribute in excess of the funds used by the State to meet the requirements of paragraph (3).

"(G) The State shall ensure that no State or local taxes are collected within the State on purchases of food with coupons distributed under the program.

"(6)(A) Each State that received assistance under the demonstration program authorized by this subsection in a fiscal year ending before October 1, 1991, shall receive assistance under this subsection if the State complies with the requirements established by this subsection, as determined by the Secretary.

"(B)(i) Subject to the availability of appropriations, if a State provides the amount of matching funds required under paragraph (3), the State shall receive assistance under this subsection in an amount that is not less than the amount of such assistance that the State received in the most recent fiscal year in which it received such assistance.

"(ii) If amounts appropriated for any fiscal year pursuant to the authorization contained in paragraph (10) for grants under this subsection are not sufficient to pay to each State for which a State plan is approved under paragraph (6) the amount that the Secretary determines each such State is entitled to under this subsection, each State's grant shall be ratably reduced, except that (if sufficient funds are available) each State shall receive at least \$50,000 or the amount that the State received for the prior fiscal year if that amount is less than \$50,000.

"(C) In providing funds to serve additional recipients in a State that received assistance under this subsection in the previous fiscal year, the Secretary shall consider—

"(i) the availability of any such assistance not spent by the State during the program year for which the assistance was received;

"(ii) documentation that justifies the need for an increase in participation; and

"(iii) demonstrated ability to satisfactorily operate the existing program.

"(D)(i) A State that desires to receive a grant under this subsection shall submit, for each fiscal year, a State plan to the Secretary at such time and in such manner as the Secretary may reasonably require.

"(ii) Each State plan submitted under this paragraph shall contain—

"(I) the estimated cost of the program and the estimated number of individuals to be served by the program;

"(II) a description of the State plan for complying with the requirements established in paragraph (5); and

"(III) criteria developed by the State with respect to authorization of producers to participate in the program.

"(iii) The criteria developed by the State as required by clause (ii)(III) shall require any authorized producer to sell fresh nutritious unprepared foods (such as fruits and vegetables) to recipients, in exchange for coupons distributed under the program.

"(E) The Secretary shall establish objective criteria for the approval and ranking of State plans submitted under this paragraph.

"(F) In approving and ranking State plans submitted under this paragraph, the Secretary shall—

"(i) favorably consider a State's prior experiences with this or similar programs;

"(ii) favorably consider a State's operation of a similar program with State or local funds that can present data concerning the value of the program;

"(iii) require that if a State receiving a grant under this section applies the Federal grant to a similar program operated in the previous fiscal year with State or local funds, the State shall not reduce in any fiscal year the amount of State and local funds available to the program in the preceding fiscal year after receiving funds for the program under this subsection;

"(iv) give preference to State plans that would serve areas in the State that have—

"(I) the highest concentration of eligible persons;

"(II) the greatest access to farmers' markets;

"(III) broad geographical area;

"(IV) the greatest number of recipients in the broadest geographical area within the State; and

"(V) any other characteristics, as determined appropriate by the Secretary, that maximize the availability of benefits to eligible persons; and

"(v) take into consideration the amount of funds available and the minimum amount needed by each applicant State to successfully operate the program.

"(G)(i) An amount equal to 45 to 55 percent of the funds available after satisfying the requirements of subparagraph (B) shall be made available to States participating in the program that wish to serve additional recipients, and whose State plan to do so is approved by the Secretary. If this amount is greater than that necessary to satisfy the approved State plans for additional recipients, the unallocated amount shall be applied toward satisfying any unmet need of States that have not participated in the program in the prior fiscal year, and whose State plans have been approved.

"(ii) An amount equal to 45 to 55 percent of the funds available after satisfying the requirements of subparagraph (B) shall be made available to States that have not participated in the program in the prior fiscal year, and whose State plans have been approved by the Secretary. If this amount is greater than that necessary to satisfy the approved State plans for new States, the unallocated amount shall be applied toward satisfying any unmet need of States that desire to serve additional recipients, and whose State plans have been approved.

"(iii) In any fiscal year, any funds that remain unallocated after satisfying the requirements of clauses (i) and (ii) shall be re-



allocated in the following fiscal year according to procedures established pursuant to paragraph (10)(B)(i).

"(7)(A) The value of the benefit received by any recipient under any program for which a grant is received under this subsection may not affect the eligibility or benefit levels for assistance under other Federal or State programs.

"(B) Any programs for which a grant is received under this subsection shall be supplementary to the food stamp program carried out under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) and to any other Federal or State program under which foods are distributed to needy families in lieu of food stamps.

"(8) For each fiscal year, the Secretary shall collect from each State that receives a grant under this subsection information relating to—

"(A) the number and type of recipients served by both Federal and non-Federal benefits under the program for which the grant is received;

"(B) the rate of redemption of coupons distributed under the program;

"(C) the average amount distributed in coupons to each recipient; and

"(D) when practicable, the impact on the nutritional status of recipients by determining the change in consumption of fresh fruits and vegetables by recipients;

"(E) the effects of the program on the use of farmers' markets and the marketing of agricultural products at such markets and when practicable, the effects of the program on recipients' awareness regarding farmers' markets; and

"(F) any other information determined to be necessary by the Secretary.

"(9)(A) The Secretary shall submit to the Committee on Education and Labor and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a compilation of the information collected under paragraph (8).

"(B) The compilation required by subparagraph (A) shall be submitted on or before April 1, 1994.

"(10)(A) There are authorized to be appropriated to carry out this subsection \$3,000,000 for fiscal year 1992, \$6,500,000 for fiscal year 1993, and \$8,000,000 for fiscal year 1994.

"(B)(i)(I) Except as provided in subclause (II), each State shall return to the Secretary any funds made available to the State that are unobligated at the end of the fiscal year for which the funds were originally allocated. The unexpended funds shall be returned to the Secretary by February 1st of the following fiscal year.

"(II) Notwithstanding any other provision of this subsection, a total of not more than 5 percent of funds made available to a State for any fiscal year may be expended by the State to reimburse expenses incurred for a program assisted under this subsection during the preceding fiscal year or may be retained by the State to reimburse expenses expected to be incurred for such a program during the succeeding fiscal year.

"(ii) The Secretary shall establish procedures to reallocate funds that are returned under clause (i). Funds that remain unexpended at the end of any demonstration project authorized by this subsection (as it existed on September 30, 1991) shall be reallocated in a similar manner.

"(11) For purposes of this subsection:

"(A) The term 'coupon' means a coupon, voucher, or other negotiable financial instrument by which benefits under this section are transferred.

"(B) The term 'program' means—

"(i) the State farmers' market coupon nutrition program authorized by this subsection (as it existed on September 30, 1991); or

"(ii) the farmers' market nutrition program authorized by this subsection.

"(C) The term 'recipient' means a person or household, as determined by the State, who is chosen by a State to receive benefits under this subsection, or who is on a waiting list to receive such benefits.

"(D) The term 'State agency' has the meaning provided in subsection (b)(13), except that the term also includes the agricultural department of each State."

#### SEC. 4. EFFECTIVE DATE.

The amendment made by section 3 shall be effective as of October 1, 1991.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. KILDEE] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KILDEE].

□ 1310

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3711 establishes as a permanent part of the Special Supplemental Food Program for Women, Infants, and Children [WIC], the demonstration program that provides WIC participants with supplemental coupons for the purchase of fresh fruits and vegetables at farmers' markets.

The title of H.R. 3711 is the WIC Farmers' Market Nutrition Act of 1992. This bill has been developed in close coordination with the Republicans and with the Senate staff to arrive at a bipartisan, bicameral agreement.

This legislation, Mr. Speaker, is designed to strengthen and approve the existing demonstration program under WIC by removing the 10-State participation limit, providing a sufficient administrative expense allowance, and establishing criteria for ensuring expansion of existing programs in States, while awarding grants to new States, and by making other clarifying and technical changes.

This program is designed to work in conjunction with WIC and its goals of supplementing the diets of nutritionally at-risk women, infants, and children, while permanently improving the health of those people through nutrition education.

Mr. Speaker, WIC is a highly successful program credited with reducing the incidence of low birth weight, which is the leading cause of U.S. infant death. A May 1992, General Accounting Office report estimates that 1990 prenatal WIC benefits cost the Federal Government \$296 million—but avoided over \$472 million in expected Medicaid expenditures.

H.R. 3711 establishes the WIC Farmers' Market Nutrition Program as a means by which nutritionally at-risk women and children can gain access to

fresh produce, thereby enhancing WIC's ability to improve their nutritional status.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. COLEMAN], the ranking member of the Committee on Agriculture and a ranking member on this committee also.

Mr. COLEMAN of Missouri. Mr. Speaker, I rise in support of H.R. 3711, a bill that authorizes grants to States for the WIC Farmers' Market Nutrition Program. This is a good program, through which needy families can purchase fresh fruits and vegetables at farmers' markets.

The farmers' market demonstration project was authorized in the 1988 Hunger Prevention Act and has been operating in 10 States. Through the demonstration projects, \$3.5 million in coupons for the purchase of fruits and vegetables has been provided each year to more than 250,000 women, infants, and children. Approximately 2,500 farmers participated in more than 250 markets.

H.R. 3711 continues and expands upon the demonstration projects by establishing the WIC Farmers' Market Nutrition Program. Grants are authorized to States through fiscal year 1994 to provide assistance to needy persons in the form of coupons to purchase fresh, nutritious foods from farmers' markets. States must contribute 30 percent of the costs of the program, which may include local and private funds. Participants will receive from \$10 to \$20 per year to purchase fruits and vegetables at farmers' markets.

The WIC Farmers' Market Nutrition Program will continue to assist in improving human nutrition and the marketing of fresh fruits and vegetables. The dietary guidelines issued by the U.S. Department of Agriculture and the U.S. Department of Health and Human Service include recommendations to eat a variety of foods and to choose a diet with plenty of fruits and vegetables. H.R. 3711 provides the means for needy families to take steps toward achieving the goals of improved, nutritious diets.

Mr. Speaker, I urge my colleagues to support H.R. 3711.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Michigan [Mr. KILDEE], the subcommittee chairman, and the gentleman from Pennsylvania [Mr. GOODLING], the ranking member of the Committee on Education and Labor, and the ranking minority member of the Committee on Agriculture, the gentleman from Missouri [Mr. COLEMAN], for bringing the measure to the floor at this time.

Mr. Speaker, the WIC Program has been a highly successful and meritorious program. It has helped to bring important nutritional benefits to young mothers throughout the Nation by providing resources to women, infants, and children who are nutritionally at risk just as this measure does in providing fresh, nutritious, unprepared foods such as fruits and vegetables from farmers' markets throughout the Nation for mothers in the WIC Program. This not only helps our farmers but, more importantly, helps those prospective mothers and those who are mothers to improve their basic nutritional intake.

This measure provides an important supplement to the WIC program, and I want to commend our colleagues who have sponsored it and the respective committees for their work in bringing this measure to the floor at this time.

Mr. Speaker, I urge full support for the measure.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I thank the chairman, the gentleman from Michigan [Mr. KILDEE], for his perseverance in this program. The Women, Infants, and Children Program is perhaps one of the most successful programs we have had in our Nation in dealing with impoverished and underprivileged children. Through the distribution of milk, medicine, medical care, and counseling, our WIC Program has been extremely successful.

Mr. Speaker, I am sure that the expansion of this program nationwide, providing America's underprivileged and impoverished very young children with the ability to receive fresh fruits and vegetables, will be a great stride forward in combating some of the basic poverty we have. This wealthy Nation of ours can certainly afford extending these fruits and vegetables that are so plentiful in our Nation to those young people and their mothers who very much need them.

Mr. Speaker, I commend the chairman and ranking member from my State, Mr. GOODLING, for this very important program.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3711, the WIC Farmers' Market Nutrition Act of 1992. A unique feature of this bill is that it simultaneously responds to two important public policy concerns. Even as it seeks to significantly improve the nutrition of the mothers and children participating in the Special Supplemental Food Program for Women, Infants, and Children [WIC], it also serves to preserve and expand the use of farmers' markets, which very often are the principal marketing outlet for the fresh fruits and vegetables grown by small family farmers.

Fortunately, my State was among the 10 initially selected to participate in the demonstration project which was authorized to test the basic concepts of this unique policy initiative. I know that those Members whose States shared this experience with Pennsylvania have received the same very positive feedback on the project that I have from both WIC participants and State farmers' associations. As the expiration of the project's authorization at the end of this fiscal year has approached, both of these constituencies in the participating States have urged not just a continuation of the project but its expansion into a permanent program.

On the latter request, the project States have been joined by 15 additional States seeking participation in such an expanded program: Arkansas, California, Georgia, Illinois, Indiana, Kentucky, Minnesota, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oregon, Virginia, and Wyoming. H.R. 3711, Mr. Speaker, responds to this interest in and enthusiasm for an expansion of this program even as it seeks to strengthen and improve its operation and administration.

I urge my colleagues to give it their support.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. APPELGATE].

Mr. APPELGATE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the Women, Infants, and Children Program is, as my friend, the gentleman from Pennsylvania [Mr. GOODLING], just stated, perhaps the most successful of the programs that we delve in and use to send money back to people throughout the United States, because you need good health, both physical and mental, and it is dependent upon nutritious foods that are available. To too many people, it is not available, or at least it was not.

Mothers cannot care properly for their children and children cannot learn if they are not healthy. They cannot play if they are not healthy. It is important to America, to the future of this country, that our young children are going to be able to grow and grow properly.

Mr. Speaker, so I say this is an extremely important program. I am very happy to rise in support of it, and I ask all Members to give their unanimous support.

Mr. FORD of Michigan. Mr. Speaker, I rise today in support of H.R. 3711, the WIC Farmers' Market Nutrition Program. This legislation provides fresh nutritious fruits and vegetables to recipients of the Special Supplemental Food Program for Women, Infants, and Children [WIC], a program which benefits low-income pregnant women, nursing mothers, infants, and preschool children considered to be at health risk because of poor nutrition.

H.R. 3711 extends the WIC Farmers' Market demonstration project which has been in

existence since 1988. The program currently operates in nine States and offers coupons to WIC recipients for purchases of fresh fruits and vegetables at farmers' markets. The coupons supplement the normal food package items provided to WIC recipients. States participating in the project have included Connecticut, Iowa, Maryland, Massachusetts, Michigan, New York, Pennsylvania, Texas, Vermont, and Washington. Michigan dropped the program in 1991 after it became difficult for the State to provide the required State funds—30 percent of the cost.

This legislation makes possible the continuation of the programs in States where they currently exist and also provides for an expansion of the program in other States. The program is authorized through 1994.

The program authorized in this legislation is associated with the WIC Program which has long been lauded as one of the most popular and cost-effective programs in Congress today. The WIC Program was created in 1972 for the purpose of linking health and food assistance. Since the inception of the WIC Program, study after study has shown the effectiveness of the program in terms of preventive intervention. Moreover, it has also been shown that for every \$1 invested in the WIC Program, \$3 is saved in later medical costs.

The most recent WIC national evaluation documents even more successes than anyone ever imagined. For an example, children ages 4 and 5 who began WIC benefits in utero had significantly better vocabulary scores, and those whose benefits were first received after the first birthday had significantly better digit memory than control children. In 1990, the U.S. Department of Agriculture conducted a study of Medicaid and WIC in five States. The study showed that prenatal participation in WIC resulted in substantial savings in Medicaid costs for newborns and mothers during the first 60 days after birth. This study found that each dollar spent on WIC in the States under review saved Medicaid costs ranging from a \$1.77 to \$3.13 for newborns and mothers, and from \$2.84 to \$3.90 for newborns alone.

Moreover, many highly respected national organizations have called for full funding of the WIC Program. The Congressional Budget Office [CBO] estimated that a total of 8.5 million persons would be eligible for WIC in 1991, and further estimated that only approximately 55 percent of all those eligible could be served by the WIC Program at the fiscal year 1991 appropriations level.

In view of the many valuable benefits and successes demonstrated as a result of the benefits of the WIC Program and the sound investment of Federal funds that saves billions of dollars in health expenditures by preventive intervention, I urge my colleagues to support this measure.

Mr. DE LA GARZA. Mr. Speaker, I am pleased to support passage of H.R. 3711, the WIC Farmers' Market Nutrition Act of 1992, a bill that was reported by both the Agriculture and the Education and Labor Committees.

H.R. 3711 authorizes the WIC Farmers' Market Nutrition Program to provide vouchers to women, infants, and children who are nutritionally at risk to be exchanged at farmers' markets for fresh, unprepared foods such as fruits and vegetables and to enhance the



awareness and use of farmers' markets. This program is intended to continue and expand State programs established under the farmers' market coupons demonstration project authorized in the Hunger Prevention Act of 1988.

As the Committee on Agriculture learned from the testimony of witnesses at a public hearing held by the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, the demonstration project has served two very significant purposes in improving both human nutrition and the marketing of fresh fruits and vegetables.

For participating women, infants, and children, the pilot project has provided a new source of agricultural commodities for an improved diet with an emphasis on fresh fruits and vegetables. In terms of better nutrition, consumption of fruits and vegetables is higher among WIC women who receive farmers' market coupons and this trend continues even after participation ceases.

For farmers, the project has meant new opportunities for marketing their products. The project has helped expand sales at farmers' markets, in some cases dramatically. In addition, the project has fostered the opening of new farmers' markets. A recent Department of Agriculture study found that 90 percent of participating farmers favor continuation of the project.

The purposes of this demonstration project have been well met, and a WIC farmers' market nutrition program should be authorized and established.

Mr. LEWIS of Florida. Mr. Speaker, I rise in support of H.R. 3711, a bill that authorizes grants to States so that benefits, in the form of fresh fruits and vegetables, may be provided to needy families through farmers' markets.

Last month the Domestic Marketing, Consumer Relations, and Nutrition Subcommittee held a hearing on the WIC Farmers' Market Program. The subcommittee received testimony from Representatives from Connecticut, Iowa, and Massachusetts about the success of the WIC Farmers' Market Program in those States. According to a report issued by USDA in April 1991 all projects were operating successfully and meeting Federal grant requirements; participants consumed more fruits and vegetables; and farmers, although the projects had a small impact on their income, were generally supportive of these projects.

H.R. 3711 builds on several demonstration projects that were authorized in the 1988 Hunger Prevention Act. Through this bill, States can receive grants to administer farmers' market nutrition programs and must provide 30 percent of the cost of the program from State, local, or private funds. Participants will receive from \$10 to \$20 per year to purchase fresh fruits and vegetables at farmers' markets.

The bill authorizes \$3 million for 1992, the amount currently appropriated, and increases the authorization up to \$8 million for 1994.

This bill represents a partnership between the Federal Government and States to provide nutritious food to needy families. I note that USDA has been encouraging States to inform food stamp participants that they may purchase food at farmers' markets. Almost 7,000 produce stands and routes are authorized to

redeem food stamps and as of January 1992 over \$13 million in food stamps has been used at these facilities.

I urge my colleagues to support the WIC Farmers' Market Nutrition Act of 1992.

Mrs. MINK. Mr. Speaker, I rise in strong support of H.R. 3711, the Women, Infants and Children Farmers' Market Nutrition Act of 1992 which was passed by the House yesterday. This bill builds upon the successful Women, Infants and Children Program [WIC], which provides valuable nutrition supplements to at-risk pregnant women and children under the age of 5.

The WIC Farmers' Market Nutrition Act will allow WIC participants to purchase fresh fruits and vegetables at farmers markets in addition to the packaged goods obtained with WIC coupons at supermarkets and grocery stores.

Currently operating as demonstration programs in 10 States, the WIC Farmers' Market Nutrition Program has served over 270,000 nutritionally at-risk women and children nationwide while providing additional income to small fruit and vegetable growers.

H.R. 3711 will help expand this successful program into all States who wish to provide this beneficial service to needy women and help support local farmers.

In Hawaii, farmers markets are popular shopping areas, especially for those women living in rural areas that do not have access or transportation to supermarkets and grocery stores. For many women, shopping at a farmers market also means a larger variety of ethnic fruits and vegetables that may not be available in the large supermarket chains.

Mr. Speaker, needy women and small farmers will benefit from the expansion of this program. And I am confident that many States will gladly participate and contribute a matching share to the Federal dollars allocated for this program.

The benefits of the WIC Program and its emphasis on early childhood nutrition are well documented. By providing nutritional supplements to at-risk children and mothers, WIC has helped to improve the cognitive and physical development of children, reduce the incidents of anemia and low birthweight, and reduce infant mortality rates.

Mr. Speaker, H.R. 3711 will continue the trend toward taking proper care of our children and I urge all of my colleagues to vote in support of this legislation.

□ 1320

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from Michigan [Mr. KILDEE] that the House suspend the rules and pass the bill, H.R. 3711, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### AUTHORIZING TRANSFER OF CERTAIN NAVAL VESSELS TO GREECE AND TAIWAN

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5412) to authorize the transfer of certain naval vessels to Greece and Taiwan, as amended.

The Clerk read as follows:

H.R. 5412

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AUTHORITY TO LEASE CERTAIN VESSELS TO GREECE.

(a) IN GENERAL.—The Secretary of the Navy is authorized to lease the "KNOX" class frigates VREELAND (FF-1068), TRIPPE (FF-1075), and CONNOLLY (FF-1056) to the Government of Greece. A lease under this section may be renewed.

(b) APPLICABLE LAW.—Any such lease shall be in accordance with chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following), except that section 62 of that Act (22 U.S.C. 2796a; relating to reports to the Congress) shall apply only to renewals of the lease.

(c) CONSIDERATION FOR LEASE.—Notwithstanding section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), the lease of a ship pursuant to this section may provide, as part of the consideration for the lease, for the maintenance, protection, repair, or restoration of the ship by the Government of Greece.

(d) COSTS OF TRANSFERS.—Any expense of the United States in connection with a lease authorized by this section, including any liabilities of the United States based on its ownership of a vessel arising during the period of the lease, shall be charged to the Government of Greece.

(e) EXPIRATION OF AUTHORITY.—The authority granted by this section to lease a ship described in subsection (a) shall expire at the end of the 2-year period beginning on the date of the enactment of this Act unless the lease is entered into during that period.

#### SEC. 2. AUTHORITY TO TRANSFER EXCESS VESSELS TO GREECE.

(a) IN GENERAL.—The Secretary of the Navy is authorized to transfer the excess "CHARLES F. ADAMS" class guided missile destroyer BERKELEY (DDG-15) to the Government of Greece.

(b) APPLICABLE LAW.—Such transfer shall be in accordance with section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; relating to transfers to excess defense articles), except that subsection (c) of that section (relating to notifications to the Congress) and any similar provision shall not apply.

(c) COSTS OF TRANSFERS.—Any expense of the United States in connection with the transfer authorized by this section shall be charged to the Government of Greece.

(d) EXPIRATION OF AUTHORITY.—The authority granted by this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

#### SEC. 3. AUTHORITY TO LEASE CERTAIN VESSELS TO TAIWAN.

(a) IN GENERAL.—The Secretary of the Navy is authorized to lease the "KNOX"

class frigates BREWTON (FF-1086), ROBERT E. PEARY (FF-1073), and KIRK (FF-1087) to the Coordination Council for North American Affairs (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act). A lease under this section may be renewed.

(b) **APPLICABLE LAW.**—Any such lease shall be in accordance with chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following), except that section 62 of that Act (22 U.S.C. 2796a; relating to reports to the Congress) shall apply only to renewals of the lease.

(c) **CONSIDERATION FOR LEASE.**—Notwithstanding section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), the lease of a ship pursuant to this section may provide, as part of the consideration for the lease, for the maintenance, protection, repair, or restoration of the ship by the Coordination Council for North American Affairs.

(d) **COSTS OF TRANSFERS.**—Any expense of the United States in connection with a lease authorized by this section, including any liabilities of the United States based on its ownership of a vessel arising during the period of the lease, shall be charged to the Coordination Council for North American Affairs.

(e) **EXPIRATION OF AUTHORITY.**—The authority granted by this section to lease a ship described in subsection (a) shall expire at the end of the 2-year period beginning on the date of the enactment of this Act unless the lease is entered into during that period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5412, as amended, authorizing the transfer of certain naval vessels to Greece and to Taiwan. This legislation was requested by the executive branch and enjoys broad bipartisan support.

I would like to clarify some jurisdictional issues involved with this legislation. The underlying statute of title 10 of the United States Code falls within the jurisdiction of the Committee on Armed Services. In that regard, I would acknowledge that we have worked closely with the Armed Services Committee to expedite this legislation because of its time-sensitive nature. In fact, the distinguished chairman of the Subcommittee on Seapower, my good friend from Florida, Mr. BENNETT, fully supports the substance of this H.R. 5412, as amended. I am sure that the Committee on Foreign Affairs and the Committee on Armed Services will continue to work closely on transfers of this nature.

Mr. Speaker, separate legislation authorizing the transfer of ships is required under title 10 of the United States Code if the ships are in excess of 3,000 tons. The ships covered by this legislation fall into that category. In addition, the ships in question are scheduled to be decommissioned on

June 30 after 22 years of service. These ships will be transferred to the Governments of Greece and Taiwan pursuant to the leasing authority contained in the Arms Export Control Act.

While two of these ships are not essential to the defense of the United States and not needed for public use during the period of the lease, those ships are fit for further service. Therefore, during the period of the lease those ships will be retained on the Naval Vessel Register while under the operational control of the Hellenic Navy and the Coordination Council for North American Affairs. Should those ships be needed in a future national emergency they can be recalled at any time.

One ship will be transferred to the Government of Greece under the southern region amendment relating to transfer of excess defense articles. The guided missile destroyer *Berkeley* was found unfit for further service to the United States and will be stricken from the Naval Vessel Register and declared excess. All costs associated with the transfer of the *Berkeley* will be covered by the Government of Greece. The activation costs and a training package are estimated to cost approximately \$16 million. At this time, I would like to insert into the RECORD a list of ship transfers under section 516 to the Government of Greece and the Government of Turkey.

#### SHIPS TRANSFERRED UNDER SECTION 516, FAA (SRA) GREECE

Following ships were leased to the Government of Greece, declared excess, and subsequently transferred under SRA:

Ship SRA transfer date: 18 April 88.  
MSL 33—minesweep.  
MSL 35.  
MSL 39.  
MSL 40.

#### TURKEY

Following ships were leased to the Government of Turkey, declared excess, and subsequently transferred under SRA:

Ship SRA transfer date: 17 August 87.  
DD 886—destroyer.  
DD 827.  
DD 825.  
DD 842.  
DD 822.  
SSAG 567—aux. submarine.  
SS 563—submarine.  
LST 1167—landing ship tank.  
LST 1170.  
AD 17—repair ship.  
ARS 25—salvage ship.  
ARD 12—drydock.  
APL 47—living barge.  
APL 53.  
PG 97—patrol gunboat.  
PG 95.

#### PORTUGAL

The AGS 25 had been transferred to the Government of Portugal under an old grant aid loan arrangement. The ship was declared excess and transferred under SRA on 2 November 88.

#### GREECE

The PG 99 and PG 101 were transferred to the Government of Greece under SRA from

the Inactive Ship Facility, Yorktown, Va. in 1989. These ships did not meet the criteria for special enabling legislation and were notified under the SRA requirements.

On the budgetary side, I would note for my colleagues that the lease of these ships will result in no cost to the United States. In fact the United States will receive \$10.9 million under the terms of the lease for Greece and for Taiwan the total rental will be \$14.5 million. All repairs and maintenance work on these ships will be done at dry docks in the United States. In addition, all training will be conducted by the U.S. Navy in the United States.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am happy to be a cosponsor with Chairman FASCELL of H.R. 5412, which authorizes the transfer of four naval vessels to Greece and three naval vessels to Taiwan.

The administration has assured me that these six *Knox*-class frigates, *Vreeland*, *Trippe*, *Connole*, *Brewton*, *Kirk*, and *Robert E. Peary*, and one *Charles F. Adams*-class guided-missile destroyer *Berkeley* are no longer needed in the U.S. active inventory.

Further, the U.S. Navy strongly supports the transfer of these vessels to advance the valuable, cooperative relationship that we have developed with both the Hellenic Navy and the Taiwan Navy.

Over the period of the initial 5-year leases, the United States Government will receive in rent \$10.9 million from Greece and \$14.5 million from Taiwan. In addition, all costs associated with the leases, including maintenance, repairs and training are to be borne by the Governments of Greece and Taiwan, respectively.

The U.S. Navy estimates that by proceeding with these leases, the United States will accrue nearly \$80 million in training, supplies, support and repair costs over the period of the leases.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], a member of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Speaker, I rise to support this legislation, authorizing the transfer of four ships to Greece and three ships to Taiwan.

As our distinguished chairman, the gentleman from Florida [Mr. FASCELL] and the ranking Republican of our Foreign Affairs Committee, the gentleman from Michigan [Mr. BROOMFIELD] indicated, these seven vessels are no longer needed in the U.S. active inventory.

As Mr. BROOMFIELD indicated, this transfer is strongly supported by the Department of the Navy, and will cer-



tainly serve to enhance the already strong military cooperation we have with the Greek and Taiwanese Navies.

Moreover, I have been informed that the U.S. Treasury will receive over \$25 million from this transaction. In addition, each and every single cost associated with the lease will be borne by the Governments of Greece and Taiwan.

Mr. Speaker, this lease represents nothing short of an excellent arrangement for the United States. Accordingly, I strongly urge the unanimous adoption of this measure.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SOLARZ], chairman of the Subcommittee on Asian and Pacific Affairs.

Mr. SOLARZ. Mr. Speaker, I thank the gentleman from Florida [Mr. FASCELL], my very good friend and the extraordinarily distinguished chairman of the Committee on Foreign Affairs, for yielding time to me.

Over the years I have had differences of opinion from time to time with my friends on the other side of the aisle, the gentleman from Michigan [Mr. BROOMFIELD] and the gentleman from New York [Mr. GILMAN] concerning American foreign policy in the eastern Mediterranean. But we stand shoulder to shoulder in support of this important legislation, not only because we all believe that Greece can benefit from this transfer of American naval vessels but also, and most importantly, because we both believe that Greece is a valued ally of the United States and a country whose security is very much in the American national interest.

Indeed, Greece is the country which gave birth to the very concept of democracy upon which our own great Republic was founded over two centuries ago. And over the course of time, in many differing circumstances, we have been able to rely on the friendship and support of Greece, which is one of the most important members of the North Atlantic Treaty Organization.

Particularly at a moment when there is considerable trouble and tension in the Balkans and in the eastern Mediterranean, I believe that the transfer of these vessels to Greece will serve a very significant, symbolic purpose by making it clear to all other countries in the region that Greece continues to enjoy the friendship and the support of the United States.

In addition, I think it is worth noting, Mr. Speaker, that we now have a government in Greece which is clearly very friendly to the United States. We have a significant interest in strengthening the Mitsotakis administration, and it is my hope that the expeditious enactment of this legislation will be seen by the people of Greece as a timely reaffirmation of the eternal friendship, not only between our two peoples but between our two countries.

□ 1330

As a consequence, I strongly support this legislation, as I have other legislation, which makes it clear that the United States considers Greece to be a good friend, a strong ally, and a political and strategic partner in a very important part of the world.

I would also like to take this opportunity to state my strong belief that in addition to providing these vessels, the United States should redouble its efforts to facilitate a resolution of the problems on Cyprus, a peaceful, negotiated resolution of that longstanding conflict would be in the interests not only of the United States but of all the parties to the conflict.

Mr. FASCELL. Mr. Speaker, I thank the gentleman from New York for his most cogent and articulate presentation on a very important issue of foreign policy, and I reserve the balance of my time.

Mr. BENNETT. I rise in support of the bill H.R. 5412, permitting the lease and transfer of seven U.S. naval ships to Greece and Taiwan, including six *Knox* class frigates and a guided missile destroyer. I am pleased to work with my colleague, Mr. FASCELL, to act promptly on this bill in order to allow the transfer of the vessels to proceed in a timely fashion.

This legislation is necessary because, under section 7307 of title 10, United States Code, the sale, lease, or transfer of a naval vessel that displaces more than 3,000 tons or is less than 20 years old, can only be accomplished by legislation. Each of the vessels that are proposed for lease or transfer displace more than 3,000 tons or are less than 20 years old.

Section 7307 was enacted to ensure that the transfer of large and/or modern naval vessels from the U.S. Navy could only be done after consideration of all relevant matters by the Congress before such a transfer is made. In the present case, the six frigates are still fit for service, are not excess to Navy requirements, and may be needed in a future national emergency. The proposed transfer will provide that the ships may be reclaimed by the United States if necessary. The recipients would be required to maintain the vessels at no cost to the United States.

Under the present plans of the Navy the ships to be transferred would not be maintained in the active fleet because of reductions in the fleet and budget limitations. By transfer of the ships to Greece and Taiwan, the ships will be maintained and see active service in those navies, rather than being moth-balled and an expense to maintain to the U.S. Navy.

Ship transfers have historically provided a basis for fostering alliances with friendly nations, and the present transfer offers the opportunity to continue that tradition. I strongly support the legislation and urge its adoption.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and pass the bill, H.R. 5412, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from Florida?

There was no objection.

#### AUTHORIZING APPOINTMENT OF GEN. THOMAS C. RICHARDS TO THE OFFICE OF FAA ADMINISTRATOR

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2703) to authorize the President to appoint Gen. Thomas C. Richards to the office of Administrator of the Federal Aviation Administration.

The Clerk read as follows:

S. 2703

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of section 106 of title 49, United States Code, or any other provision of law, the President, acting by and with the advice and consent of the Senate, is authorized to appoint General Thomas C. Richards, United States Air Force, Retired, to the Office of Administrator of the Federal Aviation Administration. General Richards' appointment to, acceptance of, and service in that Office shall in no way affect the status, rank, and grade which he shall hold as an officer on the retired list of the United States Air Force, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade, except to the extent that subchapter IV of chapter 55 of title 5, United States Code, affects the amount of retired pay to which he is entitled by law during his service as Administrator. So long as he serves as Administrator, General Richards shall receive the compensation of that Office at the rate which would be applicable if he were not an officer on the retired list of the United States Air Force, shall retain the status, rank, and grade which he now holds as an officer on the retired list of the United States Air Force, shall retain all emoluments, perquisites, rights, privileges, and benefits incident to or arising out of such status, office, rank, or grade, and shall in addition continue to receive the retired pay to which he is entitled by law, subject to the provisions of subchapter IV of chapter 55 of title 5, United States Code.

SEC. 2. In the performance of his duties as Administrator of the Federal Aviation Administration, General Richards shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were not an officer on the retired list of the United States Air Force.

SEC. 3. Nothing in this Act shall be construed as approval by the Congress of any fu-

ture appointments of military persons to the Office of Administrator of the Federal Aviation Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation now before us would allow Maj. Gen. Thomas C. Richards to serve as Administrator of the Federal Aviation Administration while remaining on the retired list of the U.S. Air Force.

The legislation is necessary because of a provision in the 1958 law establishing the Federal Aviation Administration which requires that the FAA administrator be a civilian and not on the active or retired list of the armed services. This law is important in the interests of establishing civilian primacy over the regulation of the Nation's airspace.

While it is important to retain generally this provision regarding the Office of FAA Administrator, I believe the requirement should be waived in this instance so that General Richards can be appointed and not lose any of the military retirement benefits he has earned. Without this bill, he would have to resign his commission and be removed from the retirement list of the Army in order to be appointed administrator which would harm his pension benefits.

The Aviation Subcommittee held hearings on this legislation on June 2 and received testimony from General Richards. General Richards is very much aware of the need for civilian control of the airspace, and I do not expect undue military influence to creep into his management of the airspace just because he is a retired officer.

The Congress has passed similar legislation on a number of previous occasions. It is important that we do so again today so that General Richards can take office and this important agency can regain leadership it has been without since last December.

Also, I would note that the Senate bill we are considering is virtually identical to a bill, H.R. 5292, which I introduced 3 weeks ago along with JAMES L. OBERSTAR, our Aviation Subcommittee chairman, JOHN PAUL HAMMERSCHMIDT, our full committee ranking Republican member, and BILL CLINGER, our subcommittee ranking Republican member.

Finally, last week our investigations and Oversight Subcommittee Chairman ROBERT BORSKI and I met with General Richards to discuss a matter which has been under the review of the committee—namely, the safe operations of some foreign air carriers in U.S. air-

space. It was reassuring to hear of General Richards' commitment to make this issue a top priority during his leadership of the FAA.

In that meeting, General Richards also addressed the recently strained relationship between some offices at the FAA and the General Accounting Office. He pledged to rectify this problem upon his being sworn in as Administrator. It was evident that General Richards realizes the important contribution the GAO can make toward aviation safety and I am confident that this situation will be satisfactorily resolved.

Mr. Speaker, I urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to join the distinguished chairman of the Committee on Public Works and Transportation, the chairman of the Subcommittee on Aviation, the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the subcommittee, the gentleman from Pennsylvania [Mr. CLINGER], and all the members of the Committee on Public Works and Transportation in support of this legislation.

Mr. Speaker, this bill would permit Gen. Thomas Richards to serve as FAA Administrator.

I had the pleasure of serving with General Richards on the Aviation Security Commission. During the Commission's deliberations, General Richards was always very thoughtful, sensitive, and reasonable. No doubt he will bring the same traits to his new position as Administrator of the Federal Aviation Administration.

We look forward to having General Richards at the FAA to fill a slot which has been vacant far too long. At the same time, we do appreciate the excellent job of Acting Administrator Barry Harris has done during the interim.

No doubt General Richards is leaving an interesting life in Texas. We appreciate his willingness to make this sacrifice in order to serve in Washington.

Technically, the purpose of this legislation is to permit General Richards' appointment to the FAA, notwithstanding his retired military status. If legislation is not enacted, the general would be required to resign his commission and lose his pension benefits. Obviously, there is no reason why he should have to pay such a high price in order to serve as FAA Administrator.

Therefore, I support this legislation and look forward to working with General Richards in his new capacity at the FAA. May his tenure there be a long one.

Mr. Speaker, I reserve the balance of my time.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the distin-

guished gentleman from California, Mr. NORMAN MINETA, chairman of the Subcommittee on Surface Transportation of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Speaker, I appreciate the chairman of our full Committee on Public Works and Transportation yielding me this time.

Mr. Speaker, I rise in support of S. 2703, legislation which authorizes the President to appoint Gen. Thomas C. Richards to the Office of Federal Aviation Administration.

The Subcommittee on Aviation held a hearing on this nomination which provided us with the opportunity to learn more about General Richards and his plans and priorities as Administrator of the FAA.

Mr. Speaker, it is crucial that we have a strong leader at the FAA. This is especially important at this time when Americans from coast to coast and the entire Congress are finally focused on the future of our Nation's transportation infrastructure.

The next FAA Administrator will be implementing policy that will affect issues which promise to be some of the most important transportation issues of the decade.

Mr. Speaker, General Richards has outstanding credentials. Both the Aviation Subcommittee Chairman JIM OBERSTAR and Congressman JOHN PAUL HAMMERSCHMIDT worked with General Richards as members of the President's Commission on Aviation Security and Terrorism; a monumental challenge for which all three should be highly commended.

Mr. Speaker, I urge the approval of S. 2703. I look forward to working with General Richards as we continue to develop and improve the national aviation system that the United States needs and deserves; a system which can bring us safely and smoothly into the 21st century.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], chairman of the Subcommittee on Aviation of the Committee on Public Works and Transportation.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it gives me great pleasure to see the legislation concerning General Richards reach the House floor, and soon to be passed by this body, as it was just last week by the other body.

Mr. Speaker, General Richards is a person who comes with great qualifications to serve as head of the Nation's Federal Aviation Administration. The gentleman from Arkansas [Mr. HAMMERSCHMIDT], ranking member of the full committee, and I came to know General Richards during about a 10-month period when we served with him as members of the Presidential Com-



mission on Aviation Security and Terrorism, the so-called Pan Am 103/Commission, inquiring into the terrible tragedy at Lockerbie.

During that period of time we saw General Richards as a man of great compassion, great understanding of aviation, a person of great insight into the problems of security who understood the magnitude of that tragedy, its impact on people, and the consequences for not only ours but the world's aviation system.

In that period of time we watched General Richards analyze facts, respond thoughtfully, patiently, with searching questions to the issues that were brought before us, and bring to bear his considered judgment, not hastily but measured, in a measured fashion.

□ 1340

So, in conclusion on that point, I would just say his contribution to the final product of the Commission, our report and its 64 recommendations, was a very considerable and very thorough one. So when he was nominated for the position of FAA administrator it gave me great confidence, as I am sure it did the gentleman from Arkansas [Mr. HAMMERSCHMIDT] that we would have at the helm of the FAA a person who would understand security and make sure that the law we enacted, based upon the Commission's recommendations, would be fully and thoroughly carried out, and that no gap would be left standing.

General Richards came before our subcommittee for the hearings on this legislation and I asked him, "What is the central role or mission, in your judgment, of the FAA?" Without hesitation, his response was to maintain safety at its highest level. I asked about the progress that had been made in recent years in bringing us a national focus and moving away from the extraordinary decentralization and harmful decentralization of the FAA. He made it very clear that he wanted to maintain the central focus of the agency, that he wanted to be informed, that he wanted to be sure that there would be uniformity in all of the regions of the FAA, and that he would take full responsibility.

When I asked him what are your top priorities for safety in the FAA, I know what mine are but I wanted to know what his were, he said first maintaining the highest level of technical competence in the air traffic control system and among our air traffic controllers, keeping the health of the industry, and within the FAA on the inspector system in the matter of aging aircraft, paying especial attention to the rising issue of commuter airlines, and to keep an ever higher level of vigilance over maintenance throughout the aviation network among our air carriers, commuter, regional and general

aviation system. I think that speaks to the kind of Administrator we need in the FAA whose focus is on safety, whose eye is on the central objective of this agency to maintain safety at its highest possible level, and who with the firmness of purpose and with the solidness of character will keep this agency on track toward its central mission of maintaining safety, and then keeping the rest of the responsibilities of the FAA Administrator high on his list. That is maintaining our progress and expanding airport capacity and improving the technology of aviation through the \$25 billion mass plan modernization program that will carry us through the balance of this century.

In short, I rise with great confidence in General Richards as a person who will carry out the responsibilities of the Office of Administrator in the highest and the best traditions and with real firmness of purpose and sincerity of objectives.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. PACKARD], a member of the committee.

Mr. PACKARD. Mr. Speaker, I wish to extend my thanks for the leadership of the committee that has followed through with this appointment, and I want to render my full support and great confidence in General Richards' appointment as the Administrator of FAA.

Never before have I felt a great need for leadership in our aviation industry, and certainly with his experience and with his leadership capabilities and his interest in this field I think it is a very crucial and a very timely appointment, and I look forward to the opportunity of working with him as we in the Congress work through some very significant airport and aviation issues for the coming several years. And I want to extend my support for his appointment.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me extend my thanks and compliments to the distinguished gentleman from Minnesota [Mr. OBERSTAR], the chairman of the subcommittee and the gentleman from Pennsylvania [Mr. CLINGER], the ranking member for the hearings they held on General Richards, and without going into it any further, the gentleman from Minnesota [Mr. OBERSTAR] has already expressed our fine working relationship previously on the Commission with General Richards, and I know that we are all looking forward to working with him.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding for a brief observation which I intended but neglected to make earlier.

As I look at my committee folder on FAA Administrator, it says "Busey, Curry, Richards." This is the fifth administrator of the FAA in the time that I have been involved with aviation in our committee, Mr. Speaker, and I am taking this opportunity to serve notice, as I did in the hearings, that this constant turnover in the highest position in aviation cannot be tolerated any longer. It must not be. We have to have continuity in the position of administrator of the FAA.

The chairman of the Aviation Subcommittee in the other body has expressed the same concern. I think my colleagues on the subcommittee expressed the same concern, and I am just making it clear that it will continue to be my intention to press for legislation at the appropriate time to establish a fixed term for Administrator of the FAA so that we can induce people of the highest caliber to take that position and to remain in that position, to give this agency the stability and the long view that it needs.

I thank the chairman for yielding for that observation.

Mr. BORSKI. Mr. Speaker, I rise in support of S. 2703, legislation providing for the appointment of Gen. Thomas C. Richards to be Administrator of the Federal Aviation Administration.

I am pleased to be able to join my colleagues from the Public Works and Transportation Committee in supporting this legislation. I have confidence that General Richards will be able to effectively deal with the challenges confronting the FAA.

The Subcommittee on Investigations and Oversight, which I chair, has been exploring our Government's longstanding policy of solely relying on the host government of a foreign airline to ensure that operations are being conducted safely in U.S. airspace. It is our concern that some developing countries lack adequate resources or experience to properly surveil its aircraft.

Last week, I had the opportunity to meet with General Richards and Chairman ROE to discuss this matter. I was pleased that General Richards shares my concern and promised to make the safety of foreign airline operations a top priority under this administration.

Additionally, I also raised with General Richards my concerns over reports detailing a divisive relationship that apparently exists between certain FAA offices and those responsible for monitoring their activities, such as the General Accounting Office and the Department of Transportation's Office of Inspector General.

General Richards strongly pledged that under this leadership there would be better cooperation between the FAA and these groups. I am convinced that General Richards fully realizes the important benefits the Agency can derive from receiving input from the GAO or the inspector general.

It is with these assurances that I support General Richards' nomination to become FAA Administrator. I look forward to his leadership in ensuring that the Congress, the relevant oversight agencies and the FAA will work in harmony to improve aviation safety and our aviation infrastructure. In conclusion, I wish to include in my statement the letter I received from General Richards following our meeting which relays his assurances.

FEDERAL AVIATION  
ADMINISTRATION,  
Washington, DC, June 18, 1992.

Hon. ROBERT A. BORSKI,  
House of Representatives, Washington, DC.

DEAR MR. BORSKI: It was a pleasure to meet with you and Chairman Roe to discuss your concerns over the certification of foreign airlines.

As I have stated, safety will be my first priority as FAA Administrator. I will pursue the issues you raised until I am satisfied that there are no safety concerns.

You raised concerns about FAA's cooperation on this issue with the General Accounting Office (GAO). I assure you that under my leadership, FAA will cooperate fully with GAO on this very important matter. I understand the important work GAO performs on behalf of the Congress. I have in fact taken steps to meet with Ken Meade of GAO after I am confirmed.

An identical letter has been sent to Chairman Roe.

Sincerely,

THOMAS C. RICHARDS,  
Administrator Designate.

Mr. CLEMENT. Mr. Speaker, I am pleased to join my chairman in supporting S. 2703, which will permit retired Air Force Gen. Thomas Richards to be Administrator of the Federal Aviation Administration while retaining his rights to his military pension.

During the subcommittee's hearing on this measure, I was impressed with General Richards' response to questions raised by committee members. I was particularly impressed by his willingness to review, with an open mind, the Metropolitan Nashville Airport Authority's application to expand its part 150 noise compatibility program.

Mr. Speaker, there are many issues confronting the FAA. They all will be challenges for the Administrator and the agency. But among the most serious of issues is the noise airport neighbors suffer from airport and aircraft operations. General Richards acknowledged this fact during his testimony.

To solve this problem, we will need creative solutions. Relying on the introduction of the quieter stage 3 aircraft will not be enough. In fact, it is unfair to tell individuals that they only need to wait for quieter aircraft before they can enjoy the solitude of their home and yards. The question the FAA needs to answer is what residents should do in the meantime.

In Nashville, the community and the airport authority have worked together to devise a hopeful, albeit imperfect, solution to the noise problem. Using the experience gained during implementation of its current part 150 noise compatibility program, the neighbors and the authority together have proposed some refinements and expansions to the program. These refinements and expansions were formally submitted to the FAA last Wednesday.

In a meeting with neighborhood and airport representatives, Senators SASSER and GORE

and myself, the FAA promised to thoroughly and promptly review the proposal. I think this is an important indication of the FAA's willingness to entertain new solutions to this problem. It is an attitude also reflected by General Richards to our subcommittee hearings.

Mr. Speaker, at our meeting last week with the FAA, the neighborhood representatives made concise but forceful arguments in support of the expanded part 150 program. I will submit their statements inasmuch as they demonstrate the level of concern of airport neighbors everywhere.

And I urge my colleagues to join in supporting passage of S. 2703.

#### PRESENTATION OF GAYLA COMBS

Thank you for allowing Audrey, Brian, and me to speak on behalf of the Nashville Airport Community. This community is comprised of many diverse neighborhoods. They share one important characteristic. They all suffer from the illness known as airport expansion.

We are here in Washington, today, seeking cures for this illness. Cures do exist within the FAA medicine cabinet. There are specific prescriptions for specific forms of this disease but they are difficult to diagnose as the symptoms vary from neighborhood to neighborhood. Our proposal identifies and describes the characteristics of each area that is suffering in hopes that a cure or solution may ultimately be found.

There is a chronic form of this disease which persists for years. It is largely ignored by healthier segments because of its gradual onset. The symptoms are often perceived as imaginary. This form begins long before Part 150 Programs or even the identification of stage 3 aircraft. Neighborhoods located at the ends of old runways suffer most from this form. Their situations are worsened by the spread of commercial zones. This infection weakens the heart of the neighborhood leaving behind few owner-occupied properties.

A few neighborhoods have suffered so long from the chronic form that there is serious doubt if they will be able to survive the progression into an acute phase. This occurs with the extension or addition of a runway. Already infected and diseased, neighborhoods are weak and fragile. A timely cure must be urgently sought.

The acute form strikes suddenly. It is precipitated by the addition of a hub and/or the construction of a new runway. Healthy areas suddenly experience interrupted sleep, difficulty communicating, visual clouding, and a general sense of anxiety. The areas are often located some distance from the airport, giving them a false sense of protection. The protection is quickly stripped away as the air born illness is transported into their areas by carefully selected flight tracks. If an area has been weakened by commercial infection, survival is difficult.

Some areas suffer daily. Others suffer only when the winds change. Some experience mild symptoms, easily dismissed because the pain-level is judged by others to be tolerable. There are never pain-free days for these areas which are often located between the noise contours. The irritation of ground noise, over-flights, and the presence of clear and approach zones leave the areas inflamed and hurting.

There is hope. There are cures available. We seek aggressive treatment. The amputation of areas through acquisition may seem severe. We hope it leaves behind a healthier, stronger community. Band-aid solutions like

sound insulation and sales assistance do not cure acute forms of this disease. They are, nonetheless, vitally important to the milder forms and we seek their inclusion.

Just as in the real world of medicine, there is not an answer for each person that is suffering. There is not a cure or solution for each neighborhood. There should be and we continue to look for answers through research and legislation. Please examine carefully the symptoms identified in our proposal. As John Wesler says, relief is often spelled M-O-N-E-Y. Please be liberal in your prescription.

#### NASHVILLE HOMEOWNERS' PRESENTATION TO THE FAA

(By T. Brian O'Neal)

My name is Brian O'Neal. I am a homeowner and resident in one of the "afflicted" areas Gayla Combs spoke of. Thank you for hearing us today.

T.M. "Mac" Ackerman, who is the Noise & Environment Officer for the Planning & Development Branch of the Airports' Division of the FAA has said that he prefers airports to submit their Part 150 plan, implement it, then come back and request revisions as needed. The original Part 150 for Nashville has been implemented and has been found wanting, so we are here today requesting its revision to cover original oversights, needs that have developed, and to consider problems arising with existing plans. We believe we are justified in these requests, and that careful consideration will prove the wisdom of this proposal before you.

All of this was facilitated by the 1984 decision to build a beautiful new terminal in Nashville with easy access to downtown, a terminal capable of facilitating a major hub operation. This was a bold venture which was the first step in opening Nashville and the entire middle Tennessee area to the world. However, this decidedly ambitious venture was built in the middle of a densely populated area. The building of the new terminal facility and subsequent American Airlines' hub directly impacted over 5000 homes. Nashville was not typical in the decision to build an international airport in a well-established densely populated residential area.

The original Noise Compatibility Program (the NCP) declares that non-compatible land uses in Nashville would be reduced by acquisition of homes in the extended approach zones for each runway, and a sales assistance/sound insulation program would be applied to the remaining noise impacted areas. The lines for the land and clear zones and noise contours were laid down on top of neighborhoods and implementation of the program simply "cut along the dotted lines". Very little, if any, consideration was given to geographic and topographic boundaries—to consider neighborhoods as sole entities not to be divided.

That was a huge mistake. The integrity of neighborhoods has not been sufficiently emphasized. As a result, the acquisition program is far too limited and sales assistance/sound insulation has not been extended to neighborhoods as a whole. The proposal we place before you today recognizes the integrity of individual neighborhoods. It addresses the unique circumstances of each neighborhood area and proposes the appropriate response to achieve the desired goal of compatibility and to keep neighborhoods intact or considered as a whole—equitably and uniformly.

Initially it was thought that 50 million dollars would fund the entire program. Once the program was implemented it became



clear that twice this much was necessary. Now the program is three years underway and it is woefully apparent that a doubling of the funds is necessary again. The lesson is: An international airport cannot be placed in the middle of a metropolitan area without impacting a substantial number of people's homes and lives, and it cannot be done without great expense to compensate those impacted!

Everyone, and I mean everyone, agrees mistakes were made and programs came up short. Realizing this, the Nashville Metro Council has initiated a commendable but inadequate attempt to insulate homes outside of the program areas. The effort being put forward by local government in financially troubled times such as these testifies to the fact that the current program is short-sighted.

But what of the future? The Metropolitan Nashville International Airport will continue to grow. One runway is currently being extended to accommodate non-stop overseas flights, while construction is just beginning on the relocation of the General Aviation runway. Another north/south runway has been proposed for construction in the not-too-distant future. In fact, MNAIA has nothing but plans for long term expansion vigorously mapped out! All of these are exciting prospects for Music City. But will our current NCP provide the compatible land use to expedite these projects? No—it doesn't even provide current relief! The proposal we present to you today takes significant steps in clearing the way for future expansion plans by addressing the noncompatible land use question head on! Recognition of program shortcomings and the hindrance it creates for future expansion has resulted in a united plea from the MNAIA, the community, and all levels of government (as is evidenced today by the participation of Congressman Clement, Senator Gore, and Senator Sasser).

It is undeniable that the airport's impact on several neighborhoods can only be remedied by expanding the acquisition program—these neighborhoods are so close and so impacted the current programs don't work! It is equally undeniable that other neighborhoods must receive sales assistance and sound insulation to remain viable as neighborhoods, rather than being treated as leftovers.

Nashville, TN is not Everywhere, USA. Our community is not typical. Decisions have been made in Nashville and concerning Nashville that have not been made anywhere else. While some of these decisions have put Nashville on the cutting edge of implementation of these federal programs, some have contributed to the undesirable situation hampering compatibility in Nashville today. The overwhelming outcry of Nashville neighborhoods requesting additional funding cannot be denied. We are only asking that adequate funds be appropriated at this time to provide the forms of relief already called for by the Federal Part 150 guidelines and the acquisition laws.

#### REMARKS OF AUDLEY JONES

Immediately, with the June '85 announcement of airport expansion the life of our neighborhoods, and the economic and physical life of our real property were shorted twenty years. Twenty important years which may otherwise have made the airport and neighborhood relationship more compatible at the later date.

Also immediately, substantial growth began to occur along airport corridors and commercial encroachment began to squeeze

some of our neighborhood boundaries where it hurt. Seems everyone wants to set up shop near the airport, but residents are all over the place \*\*\* just sitting out there in everyone's way. While residents may be a predicament for the airport and the business community, no one is more harmed, or better understands the predicament of being in the way of airport expansion than the residents themselves.

So, it is for that reason that we have joined Nashville airport representatives here today to request FAA consideration and approval of the revision to Nashville's part 150 as it has been presented to you.

On August 25, 1989, six years after San Francisco's program was first to receive approval, Nashville became approval No. 52. In just 2 years following, another more than 50 airports received part 150 approvals. Such momentum build-up would seem to indicate a need to find viable solutions to probably new and many on-going airport and airport community concerns not only in Nashville but across the nation. Quite frankly, we would like to see Nashville in a position to enhance its program and become a role model for the rest of the country.

Nashville part 150 is a good program as far as it goes, but until it offers an option to every homeowner it falls short of being what it should be. The proposal being presented for FAA sanction goes a long way toward accomplishing that objective; with its recommended expanded acquisition and program inclusion areas.

Some of the areas offered for consideration represent: subdivision fragmentation; separation of contiguous neighborhoods; narrow non-program areas sandwiched in between other program areas; non-program areas exposed to arrival and departure noise events; ground noise; overflights of jet and general aviation aircraft; and close-in areas directly under two flightpaths.

Latest expansion brought residents such experiences as: Lengthening of operational day by approximately 3½ to 4 hours. Extraordinary ground noise events which are every bit as loud as and generally of much longer duration than overhead flights. Impact of constant neighborhood change. Stripping away of residential appeal, neighborhood stability. Neighborhoods that have quadrupled in rentals in the past 7 years, loss of neighbor recognition, neighborhoods reduced to around 50% owner-occupied properties. Concerns for what will eventually become of the unsold MNAIA (Sales Assistance) properties. An uncertainty that diminishes pride in home ownership. A 255% increase in average daily flights between 03/86 (244) and 03/92 (622). Greater noise, air and visual pollution \*\*\* increased health and safety risks. Restricted use of property.

Within the densely populated airport area neighborhoods, less than one percent (1%) of the properties have been acquisitioned. Many of the remaining contour homeowners are existing under airport control; some without other option. Many of the neighborhoods surrounding the airport are 30-40 years old \*\*\* built during the 50's when this area was the second fastest growing area in the country \*\*\* so this population includes a goodly number of mortgage-free homeowners on fixed incomes. It is these residents who are finding it difficult to participate in the sales assistance program, if it is a lateral move they are trying to make.

In the overall Nashville part 150 program, Sound Insulation continues to run between 5 & 6 to 1 choosing sales assistance. The averages within the various neighborhoods very from one area to another.

The appraisal process has been the most devastatingly vicious culprit the homeowner has had to deal with; both in the Sales Assistance and Acquisition programs.

On behalf of Nashville's airport area residents, we appeal for FAA approval of the proposal submitted as a revision to the Nashville part 150 Noise Compatibility Program originally approved on August 25, 1989.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the Senate bill, S. 2703.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from new Jersey?

There was no objection.

#### ESEL D. BELL POST OFFICE BUILDING

Mr. MCCLOSKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4771) to designate the facility of the U.S. Postal Service being constructed at FM 1098 Loop in Prairie View, TX, as the "Esel D. Bell Post Office Building," as amended.

The Clerk read as follows:

H.R. 4771

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION.

The facility under construction for use by the United States Postal Service at FM 1098 Loop in Prairie View, Texas, is designated as the "Esel D. Bell Post Office Building".

#### SEC. 2 LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the facility referred to in section 1 is deemed to be a reference to the "Esel D. Bell Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. MCCLOSKEY] will be recognized for 20 minutes and the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4771, to designate the facility of the

Postal Service being constructed at FM 1098 Loop as the "Esel D. Bell Post Office Building." The amendment changes the words "under construction" to "being constructed" as requested by the postal service.

Esel D. Bell served the postal service in Prairie View, TX, for nearly 40 years. She rose through the ranks from clerk of postmaster during that time taking full advantage of all the post office has to offer. Besides her exemplary experience with the Postal Service, Ms. Bell is an outstanding member of the community having held leadership positions in numerous organizations in Prairie View. She also is an active alumni of Prairie View University.

□ 1350

Mr. Speaker, her name will be a great asset to the FM 1098 Loop Post Office in Prairie View.

Mr. Speaker, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4771. It is certainly an appropriate way to recognize people who have contributed to the service of their country through the Postal Service or others, as our chairman has said.

This lady has served a good many years in every capacity, finally being postmaster of her hometown, as I understand it is her hometown, and this legislation was introduced by the gentleman from Texas [Mr. LAUGHLIN]. This is most appropriate.

There are some reservations, and I had some questions.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the ranking member of our committee.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 4771, to designate the postal facility, which is under construction in Prairie View, TX, as the "Esel D. Bell Post Office Building".

I want to commend the chairman of our Postal Operations Subcommittee, Mr. MCCLOSKEY, for so expeditiously bringing this measure to the floor. I should also compliment the gentleman from Texas, [Mr. LAUGHLIN], the sponsor of H.R. 4771.

My colleague for 38 years Esel Bell served the U.S. Postal Service, her community, and the Nation. She retired as the postmaster for Prairie View in January 1989, and resides there today.

I urge my colleagues to join with me in supporting H.R. 4771.

I would also like to note that both the majority and minority in the committee had some concerns with regard to the fact that this measure had not come before our full committee for a hearing and also noted that we have been informed that Ms. Bell is still

alive. However, because of the time constraints, the committee, both majority and minority, have withdrawn any objections.

Mr. MCCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. Mr. Speaker, I yield to the gentleman from Indiana [Mr. MCCLOSKEY] with regard to the procedural aspects of our concerns.

Mr. MCCLOSKEY. Mr. Speaker, I understand the gentleman's concern. I might say, yes, there was somewhat of a waiver granted, I say to the gentleman from New York [Mr. GILMAN], as there was a major community event coming up very soon in Prairie View with the A&M Alumni Association that is going to substantially honor Ms. Bell.

Mr. LAUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. For further background, I am happy to yield to the gentleman from Texas [Mr. LAUGHLIN], chief sponsor of the measure.

Mr. LAUGHLIN. Mr. Speaker, I very much appreciate the concern expressed by the gentleman from Indiana [Mr. MYERS] and the gentleman from New York [Mr. GILMAN].

We had this bill pending before the committee. Realizing that this national alumni association convention was taking place on campus this year, and something happened within the committee that caused the committee, the full committee markup to be postponed; I got greatly concerned that before I could have a hearing on this bill, our alumni association convention would be completed, and we would lose this opportunity for the students who went to school with Ms. Bell to have the opportunity to honor her during the convention. That is the reason I made the request for this extraordinary procedure.

I very much appreciate your compassion and understanding.

Mr. GILMAN. Reclaiming my time, I thank the gentleman for his explanation and I withdraw any reservation. I support the measure.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

I will not object, but I hope this procedure would be one that we will not follow very often. It seems to me there are two exceptions here to common procedure: First, a living person, naming a post office after them, and, second, a procedure by our committee. I think it is both, and maybe the living part we can waive more often, but the procedure used by the committee to expedite is one I hope we will not exercise too often or in the future we may have to object. I have no objection.

I congratulate the lady who is going to be honored by naming this post office facility in her town and the gentleman from Texas [Mr. LAUGHLIN] for offering this action.

Mr. Speaker, I yield back the balance of my time.

Mr. MCCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I might also commend the gentleman from Texas [Mr. LAUGHLIN] for his community concern in wanting to honor Ms. Bell. I appreciate the concerns of the minority, but at the same time, let us wish Ms. Bell a full and normal life and go on with this and work together in the future.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. LAUGHLIN].

□ 1400

Mr. LAUGHLIN. Mr. Speaker, today I rise in strong support of H.R. 4771, legislation I recently introduced to designate a new post office in Prairie View, TX, as the Esel D. Bell Post Office Building.

It is certainly an honor to call your attention to Esel D. Bell. It is always a pleasure to have the opportunity to recognize individuals for the hard work and dedication to service they portray in their jobs.

Ms. Esel D. Bell is extremely deserving of this dedication. She has worked diligently to upgrade the policies, procedures, and standards within the postal system in Prairie View.

Ms. Bell's 40 years of service to the Postal Service demonstrates her exemplary, relentless, and longstanding pursuit of excellence in her profession. This pursuit of excellence Ms. Esel D. Bell demonstrated is recognized in the community where she resides, and Prairie View A&M University, where she received both her undergraduate and graduate degrees.

Mr. Speaker, Ms. Bell is not only a dedicated worker and a credit to her job, but she is a credit to her community. She has had various positions in organizations and affiliations in both the community and the job, including: the National Association of Postal Supervisors, the National Association of Postmasters, and the U.S. Postal Service.

She also is an active member in the Negro Woman Council, the NAACP, the Prairie View Alumni Association, and a host of other organizations. Mr. Speaker, Ms. Bell's influence is deeply rooted in the hearts and minds of the citizens in Prairie View.

The new post office in Prairie View has just been completed. This is the post office that students at Prairie View A&M University and citizens of Prairie View have sought for more than 40 years.

A committee of local citizens of Prairie View met and determined that they wanted their post office named after this wonderful lady, and the dedication ceremony is set for July 17, 1992.

I cannot possibly imagine a more fitting time to have this presentation for



Ms. Esel D. Bell. The National Alumni Association of Prairie View A&M University, of which Ms. Bell is a member, is holding their annual convention on campus that day.

The dedication ceremony for Ms. Esel D. Bell will take place at a time when her closest friends and classmates can be there to share with her in a most joyous occasion.

Therefore, Mr. Speaker, you can understand why I rise in such strong support of H.R. 4771, a bill which names the post office in Prairie View, TX, as the Esel D. Bell Post Office Building.

Mr. MYERS of Indiana. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McCLOSKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from Indiana [Mr. McCLOSKEY] that the House suspend the rules and pass the bill, H.R. 4771, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the facility under construction for use by the United States Postal Service at FM 1098 Loop in Prairie View, Texas, as the 'Esel D. Bell Post Office Building'."

A motion to reconsider was laid on the table.

#### ABE MURDOCK UNITED STATES POST OFFICE BUILDING

Mr. McCLOSKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4786) to designate the facility of the U.S. Postal Service located at 20 South Main in Beaver City, UT, as the "Abe Murdock United States Post Office Building", as amended.

The Clerk read as follows:

H.R. 4786

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 20 South Main Street in Beaver, Utah, is designated as the "Abe Murdock United States Post Office Building".

#### SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the facility referred to in section 1 shall be deemed to be a reference to the "Abe Murdock United States Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. McCLOSKEY] will be recognized for 20 minutes and the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4786, to designate the facility of the U.S. Postal Service located at 20 South Main Street in Beaver, UT, as the "Abe Murdock United States Post Office Building."

Mr. Abe Murdock was a Member of the U.S. House of Representatives from 1932 until 1940 when he was elected to the U.S. Senate. He was well known for his devotion to working people and organized labor. He served on the National Labor Relations Board in the 1950's.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this authorization authorizing the facility of the Post Office in Beaver, UT, to be named after Abe Murdock, as the chairman said, a member who served in this body as well as the Senate for a good many years.

Mr. Murdock was probably best remembered in this body as being the person who contributed greatly to irrigation in the Western States, something we know now is vital to the ability of those States who are arid in most ways to be protective.

He did serve in both bodies and has made a contribution to his country and it is most appropriate that we name this facility after this long date, long standing, after the person who served so faithfully in both the Senate and the House here in Washington.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the ranking member of the Committee on Post Office and Civil Service.

Mr. GILMAN. Mr. Speaker, I want to thank our good subcommittee member, the gentleman from Indiana [Mr. MYERS] for yielding me this time to comment on Abe Murdock. A former Member of this body from Utah from 1933 to 1941 and a Member of the U.S. Senate from 1941 until 1947.

Abe Murdock moved with his family to Beaver, UT, in 1898 and attended the public schools there as well as the University of Utah. Prior to holding national office and between the years, 1920 and 1933, Abe Murdock served on the Beaver city council; was county attorney for Beaver County, and the city attorney for the town of Beaver.

With a well-earned reputation as an expert in irrigation law, a must in the early days of developing our western states, he did much to ensure that the State of Utah received its share of much needed water from the Colorado River. His influence in this area contributed greatly to the State of Utah's becoming a leading State in the West today.

After serving in the Congress he went on to serve for 10 years on the National

Labor Relations Board to which President Truman had appointed him in 1949 and in 1960 President Kennedy appointed him to a Presidential panel studying labor relations in the atomic energy industry.

I want to commend our colleague, Congressman JIM HANSEN, for introducing this measure and giving us the opportunity to honor this fine American and good Democrat, I might add, in this fashion.

I also want to urge my colleagues to join me in supporting the McCloskey amendment to H.R. 4786 which simply corrects the name of the community and clarifies the street address. Once that is moved by the chairman I urge my colleagues to support the bill, as amended, on final passage.

Mr. HANSEN. Mr. Speaker, I rise today about H.R. 4786, which designates the facility of the U.S. Postal Service in Beaver, UT, as the "Abe Murdock United States Post Office Building." I graciously recognize the efforts of my colleagues on the Post Office and Civil Service Committee in their attempt to see this legislation passed as quickly as possible. Now, the citizens of Beaver, UT, may begin to prepare a celebration to honor Mr. Abe Murdock, who served this country and represented Utah with distinction.

Abe Murdock was born July 18, 1893, to Orrie Abram Murdock and Lucinda Robinson. His heritage is richly embedded in the early settlement of southern Utah. Abe Murdock's grandfather, John R. Murdock, was sent to Beaver by State leaders to establish the town in the early 1800's. From that time forward, strength, respect, and leadership have been connected to this family name.

Abe Murdock married Mary Violet Yardley in 1913 and they raised six children. He passed the Utah Bar exam in 1922 after studying at the University of Utah and was immediately elected as Beaver County attorney that same year. Along with practicing law, Mr. Murdock was actively engaged in raising livestock, farming the land, and mining operations in the surrounding area. This experience contributed greatly to his knowledge and expertise throughout his political career.

In 1932, Abe Murdock was elected to the House of Representatives. During his tenure as a Congressman, he defended the rights of working people and organized labor. In 1940, after four terms in the House, he won a seat in the Senate. His involvement as a Senator brought him great respect as he worked to ensure that Utah's water rights were protected. As a member of the Senate Committees on Public Lands and Surveys, Territories and Insular Affairs, Post Offices and Post Roads, as well as Banking and Commerce, he led Utah with strength. This leadership helped Utah become a prominent Western State.

In 1948, President Harry S. Truman appointed Abe Murdock to the National Labor Relations Board. After two 5-year terms, he was then appointed to a Presidential panel which addressed labor-management relations in the atomic energy industry. Throughout his political career, he supported Utah by protecting grazing rights and ensuring the conservation of both water and soil. Abe Murdock

planted the seeds of Utah's success. We continue to benefit from his great influence today.

I thank the House for their support in placing Abe Murdock's name on a U.S. post office facility. This man exemplifies a true statesman; he was friendly to all, dedicated to service, and brought honor to Utah. Respectfully, I join the citizens of Beaver, UT, in their efforts to honor a very distinguished man.

Mr. MYERS of Indiana. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McCLOSKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. McCLOSKEY] that the House suspend the rules and pass the bill, H.R. 4786, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the facility of the United States Postal Service located at 20 South Main Street in Beaver, Utah, as the 'Abe Murdock United States Post Office Building'".

A motion to reconsider was laid on the table.

#### ARTHUR J. HOLLAND U.S. POST OFFICE BUILDING

Mr. McCLOSKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4505) to designate the facility of the U.S. Postal Service located at 20 South Montgomery Street in Trenton, NJ, as the "Arthur J. Holland United States Post Office Building."

The Clerk read as follows:

H.R. 4505

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 20 South Montgomery Street in Trenton, New Jersey, is designated as the "Arthur J. Holland United States Post Office Building."

#### SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the facility referred to in section 1 is deemed to be a reference to the "Arthur J. Holland United States Post Office Building."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. McCLOSKEY] will be recognized for 20 minutes and the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4505, to designate the facility of the U.S. Postal Service at 20 Montgomery

Street in Trenton, NJ, as the "Arthur J. Holland United States Post Office Building."

Mr. Holland was the mayor of Trenton, NJ, for 27 years. He was best known for his devotion to ethics in government. He was a member of the board of directors for the National League of Cities and a past president of the U.S. Conference of Mayors.

Mr. MYERS of Indiana. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH], the author of this legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me this time, and I thank the chairman as well.

I would like to take this opportunity to urge my colleagues to support my legislation, H.R. 4505, to designate the facility of the U.S. Postal Service located at 20 South Montgomery Street in Trenton, NJ, as the "Arthur J. Holland United States Post Office Building."

There can be no doubt, Mr. Speaker, that Mayor Holland left an indelible mark on Trenton, the city he served so capably for 27 years. His passing in 1989 was mourned by all of us who knew of his unyielding devotion to the city and of his many achievements as mayor. His bipartisan approach to policymaking allowed him to institute many much needed programs designed to assist city residents most in need.

Mr. Speaker, I had the privilege of working closely with Mayor Holland on many issues of joint interest, such as health care, housing, and crime prevention projects. He testified at many House and Senate hearings regarding these and other issues of importance to Trenton. And beyond official business, Mr. Speaker, I found Art Holland to be a kind and compassionate man.

Mayor Holland's record of public service clearly illustrates his commitment to bettering both the local government and the community. He worked his way up in State and local government, serving at both the State Department of Public Affairs and the State Department of Parks and Public Property before being named mayor in 1959. He served until 1966, when he went to work for the U.S. Department of Housing and Urban Development. His second stint as the city's chief executive began in July 1970 and lasted until his death in 1989.

Mayor Holland's accomplishments were recognized by an array of New Jersey groups, including the Knights of Columbus and the American Cancer Society. This respect and recognition was underscored by his fellow mayors when in 1988 he was elected president of the U.S. Conference of Mayors, a position he held until June 1989.

Mr. Speaker, Mayor Holland's honesty was well known. After his death, Rutgers University honored him by instituting the Arthur J. Holland Pro-

gram on Ethics in Government. Mayor Holland is a worthy recipient of this honor. He was honest, hardworking, and possessed the necessary integrity to be effective in dealing with the many factions of local government. The program is designed to counter the growing cynicism the public feels toward elected officials by teaching those most involved in the process to work so that government is more responsive to the needs of the public. Such a goal is consistent with the traits of Mayor Holland.

The Trenton City Council unanimously passed a resolution late last year urging the designation of this facility in Mayor Holland's name. The council, in its resolution, referred to Mr. Holland's "honesty and fairness in government" and his "exemplary public service" as reasons for this honor. I echo these sentiments and join the council and Trenton's postmaster, Jack Crossen, in honoring a man who guided Trenton through difficult times.

Finally, Mr. Speaker, knowing Mayor Holland as I did as a genuinely likable, soft-spoken, and humble man, who if here to witness this recognition would be very pleased and happy, but probably a tad embarrassed over any fuss being made about him, I consider it an honor to request this designation and ask for the approval of the House.

Mr. MYERS of Indiana. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the ranking member of the committee.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 4505, to designate the postal facility on 20 South Montgomery Street in Trenton, NJ, the "Arthur J. Holland Post Office."

I want to thank the distinguished chairman of our Subcommittee on Postal Operations and Services, of the Committee on Post Office and Civil Service, the gentleman from Indiana [Mr. McCLOSKEY], for so expeditiously bringing this measure to the floor.

Mr. Speaker, from July 1970 until his death on November 9, 1989, Arthur J. Holland was mayor of the city of Trenton, NJ. He not only served as a highly regarded mayor, but also served as a third vice president of the New Jersey State League of Municipalities, was a member of the board of directors of the National League of Cities, and was a past president of the U.S. Conference of Mayors.

All of this led to Mayor Holland being highly regarded as a civic leader not only in New Jersey but across the Nation as well. Accordingly, I urge my colleagues to join in supporting this measure and its author, the gentleman from New Jersey [Mr. SMITH], by honoring the memory of Mayor Arthur Holland in this fashion.

□ 1410

Mr. MYERS of Indiana. Mr. Speaker, I yield back the balance of my time.



Mr. McCLOSKEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from Indiana [Mr. McCLOSKEY] that the House suspend the rules and pass the bill H.R. 4505.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 4771, H.R. 4786, and H.R. 4505, the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

#### COAST GUARD AUTHORIZATION ACT OF 1992

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 482 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 482

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5055) to authorize appropriations for the Coast Guard for fiscal year 1993, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with section 302(f) of the Congressional Budget Act of 1974 are waived. After general debate, which shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. All points of order against the committee amendment in the nature of a substitute for failure to comply with section 302(f) of the Congressional Budget Act of 1974 and clause 8 of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the

committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. MCEWEN], and pending that, I yield myself such time as I may consume. During consideration of this resolution, all time yielded shall be for the purposes of debate only.

Mr. Speaker, House Resolution 482 provides an open rule for the consideration of H.R. 5055, the Coast Guard authorization bill for fiscal year 1993.

The rule provides 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Merchant Marine and Fisheries Committee.

The rule also waives section 302(f) of the Congressional Budget Act and clause 8 of rule 21 against the committee amendment in the nature of a substitute now printed in the bill.

The waiver of section 302(f) of the Budget Act is necessary because of a provision in the bill which exempts vessels used in training at the State maritime academies from a Coast Guard inspection fee.

This is a noncontroversial provision which was met with no objection in the committee. The waiver of clause 8 of rule 21 is needed because a CBO cost estimate was not available and therefore not printed in the bill as introduced or as reported by the committee.

However, the required CBO cost estimate is now printed in the bill to be considered following the adoption of this resolution.

Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 5055, the Coast Guard reauthorization bill is important legislation which authorizes \$3.6 billion for fiscal year 1993. Since 1915 the U.S. Coast Guard has performed many important duties on the high seas for the United States.

Its primary functions are to promote safety at sea, to enforce maritime laws, and to provide for the safety and security of vessels in U.S. ports and waterways.

Beyond these tasks the mission of the Coast Guard has grown substantially.

Coast Guard personnel now play an important role in naval readiness both in war time and in peace and they have taken a high profile role in the war against drugs by stepping up efforts in airborne and waterborne interdiction.

Mr. Speaker, H.R. 5055 authorizes funding for these important tasks and many others.

Funding is authorized to update and maintain the vessels of the Coast

Guard's aging air and sea fleet and for the establishment of two marine oil-spill management simulators.

These simulators will be located in Galveston, TX, and at the Massachusetts Center for Marine Environmental Protection at the Massachusetts Maritime Academy.

These facilities will improve methods to contain and prevent oilspills which can be devastating to our precious marine environment.

Finally, Mr. Speaker, I would like to point out that this resolution was adopted in the Rules Committee with bipartisan support by a voice vote. I urge its adoption and adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCEWEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the rule for the consideration of H.R. 5055, the Coast Guard Authorization Act of 1992. House Resolution 482 is a good rule, an open rule, a fair rule.

I would like to thank the chairman of the Rules Committee, the distinguished gentleman from Massachusetts, for bringing this open rule to the floor. I would also like to pay tribute to the gentleman from Louisiana [Mr. TAUBIN], the chairman of the Subcommittee on Coast Guard and Navigation, and also my friend, the gentleman from Texas [Mr. FIELDS], the ranking member of the subcommittee, for requesting this open rule.

The chairman of the Rules Committee has thoroughly explained this rule. It establishes an hour of general debate for H.R. 5055, and then allows amendments to be considered under the five minute rule.

As always, it is a great pleasure to be able to rise and join with the chairman of the Rules Committee in calling for support for an open rule. Open rules make for an open, and successful legislative process. They allow the peoples representatives to work their will.

H.R. 5055 authorizes \$3.6 billion for Coast Guard programs in fiscal year 1993, which is equal to the President's request. As we know, the Coast Guard uses these funds to perform a number of important roles, including the enforcement of customs laws, the provision of navigation and safety assistance to boaters, the regulation of vessel traffic, and the inspection of foreign tankers.

Mr. Speaker, the administration has a number of concerns with H.R. 5055 as reported by the committee. I would like to insert the Statement of Administration Policy on the bill at this point, which details their reasons for opposing the bill. This open rule certainly offers the House the best opportunity to address those concerns.

The statement referred to is as follows:

OFFICE OF MANAGEMENT AND BUDGET,  
Washington, DC, June 11, 1992.

STATEMENT OF ADMINISTRATION POLICY  
(H.R. 5055—Coast Guard Authorization Act of  
1992—Tausin of Louisiana and Five Others)

The Administration strongly opposes enactment of H.R. 5055 unless it is amended to delete:

A committee amendment to divert \$80 million during FYs 1993-1997 from the high priority Sports Fish Restoration program to expand the Coast Guard's existing Boat Safety program. The Sports Fish Restoration program enables States to improve fishing habitats and access on rivers and lakes. The Administration is on record as opposing any diversion of funds from the Sports Fish Restoration program.

Section 109, which would arbitrarily limit competition in the procurement of buoy chain by the Coast Guard. This provision could both increase costs to the Coast Guard and invite retaliation by America's trading partners.

The exemption for State Maritime Academy vessels from certain vessel inspection fees without an offset from the resulting reduction in receipts (Section 301).

Provisions described in the Attachment that micromanage the Coast Guard in a manner that will unjustifiably increase costs.

#### PAY-AS-YOU-GO SCORING

At least one provision of H.R. 5055 would also reduce receipts. Therefore, H.R. 5055 is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990. No offsets to the revenue loss resulting from this provision is provided in the bill.

A budget point of order applies in both the House and Senate against any bill that is not fully offset under CBO scoring. If, contrary to the Administration's recommendation, the House waives any such point of order that applies against H.R. 5055, the effects of enactment of this legislation would be included in a look back pay-as-you-go sequester report at the end of the Congressional session.

OMB's preliminary scoring estimates of this bill are presented in the table below. Final scoring of this legislation may deviate from these estimates. If H.R. 5055 were enacted, final OMB scoring estimates would be published within five days of enactment, as required by OBRA. The cumulative effects of all enacted legislation on direct spending will be issued in monthly reports transmitted to the Congress.

#### ESTIMATES FOR PAY-AS-YOU-GO

(In millions of dollars)

	1992	1993	1994	1995	1996	1997	1992-97
Receipts .....	(1)	(1)	(1)	(1)	(1)	(1)	(1)

<sup>1</sup> Less than \$500,000.

#### OTHER OBJECTIONABLE PROVISIONS OF H.R. 5055

The Administration also strongly opposes the following provisions of H.R. 5055:

Section 304, which requires the Coast Guard to enter into an agreement with the Department of Commerce to require fisheries enforcement practices and procedures. This is inappropriate because the Coast Guard exercises no responsibility or control over these practices and procedures.

A Committee amendment that would require the Secretary of Transportation to intervene in the resolution of a contract dispute between a contractor and subcontractors.

The dispute should be resolved in a judicial forum. H.R. 5055 creates the potential for a second payment by the Federal Government under a contract for which payment has already been made as legally required.

Several provisions that would unnecessarily restrict the Coast Guard's ability to expend funds in the most cost effective manner. These include sections 104 (Shore Facilities Improvements at Group Cape Hatteras), 105 (Prepositioned Oil Spill Cleanup Equipment), 106 (Training Simulators), 204 (Federal, State, and Local Coordination Demonstration Projects), and 303 (Study of the Application of Tiltrotor Aircraft Technology to Coast Guard missions). They also include committee amendments requiring: (1) a study of the usefulness of night vision technology, and (2) installation of Radar Navigation Aid at Eckholms Island Coast Guard Installation near Sitka, Alaska.

Sections 107 and 108, which would prematurely designate certain structures as obstructions to navigation, making them eligible for certain Federal assistance. Instead, procedures already prescribed by law to evaluate the extent to which they are in fact obstacles to navigation should be completed.

Section 202, which would mandate, at the Federal level, boater education requirements that are more appropriately the concern of States.

Section 203, which would unnecessarily require the Coast Guard to study ways to study ways enlarge the mission of the Coast Guard Auxiliary. A balance in the roles of the Coast Guard and the Coast Guard Auxiliary has already been achieved as a result of the 1988 Report on the Coast Guard Auxiliary.

I would like to take a moment to refer to a concern expressed by the chairman of the Ways and Means Committee regarding the procedure leading to the granting of this rule. In a letter to the chairman of the Merchant Marine and Fisheries Committee, a copy of which was sent to both the chairman and ranking member of the Rules Committee, the gentleman from Illinois expresses concern with the fact that the Rules Committee granted a rule for H.R. 5055 before the Merchant Marine Committee had filed its report on the bill.

There are apparently some jurisdictional concerns which Ways and Means has with the bill. The Rules Committee's consideration of the rule before the report was printed, according to the letter of the chairman of Ways and Means, "left the Committee on Ways and Means without the opportunity to review the bill before the rule was granted; if we had such an opportunity, we would have been aware of the jurisdictional issues sooner."

Now, there are often times when members of the minority come to the floor expressing grave concerns with waivers of House rules regarding layover periods. This is the period of time granted under House rules to read bills and reports before measures are considered on the floor.

In this case, we have the respected chairman of the Ways and Means Committee expressing a similar concern. I bring attention to this fact, not to

criticize the Rules Committee, or the honorable chairman from Massachusetts, but only to note that concerns with timeliness, and overly hasty consideration of legislation, is not a partisan issue. Giving committees and members time to read bills and reports is a necessary part of the system. It protects the rights of every member to constructively take part in the process.

Mr. Speaker, returning to the important matter at hand, I would like to thank the chairman of the Rules Committee for his fine work bringing this open rule to the floor. I urge my colleagues to support this rule so that we can get to work on the bill.

Mr. Speaker, I had one request for time from the gentleman from California [Mr. DORNAN] who wanted to speak for 1 minute, but, in his absence, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to House Resolution 482 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5055.

The Chair designates the gentleman for Georgia [Mr. DARDEN] as Chairman of the Committee of the Whole, and requests the gentleman from California [Mr. PANETTA] to assume the chair temporarily.

□ 1422

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House dissolved itself in the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5055) to authorize appropriations for the Coast Guard for fiscal year 1993, and for other purposes, with Mr. PANETTA, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina [Mr. JONES] will be recognized for 30 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES], chairman of the Committee on Merchant Marine and Fisheries.

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman. when I first entered Congress, the Coast Guard was a small, specialized agency with an annual budget of \$473 million. Its principal responsibilities were search and rescue,



ship inspection, and the maintenance of lighthouses and other navigational aids.

In many ways, the Coast Guard is the same service it has always been. However, in other ways, it is very different from the Coast Guard of 1966—its responsibilities have multiplied and some of its priorities have changed.

Now, over 23 percent of the Coast Guard's operating budget is used in the war against drug smugglers;

Over \$250 million a year is expended on marine environmental protection; and

Hundreds of thousands of dollars are spent each day on enforcing fisheries laws and intercepting illegal aliens.

Unfortunately, this mountain of new responsibility has not been matched by a mountain of money. While struggling with a steady stream of new jobs, the Coast Guard has received only gradual funding increases. This year is no different.

Our bill calls for an appropriation of a little over \$3.6 billion in fiscal year 1993. This closely tracks the amount recommended by the President, and represents an approximate 6-percent increase over last year. Virtually all these additional funds are for operating expenses and most of that increase is due to built-in changes, such as cost-of-living adjustments.

In other areas, there is clearly not enough money to fully fund the Coast Guard. This bill authorizes a small increase over last year's budget for acquisition, construction, and improvements; bridge alternations; and environmental compliance. Nevertheless, the increases are modest. Make no mistake, this is a lean authorization. It provides the minimum necessary to carry out the Coast Guard's missions.

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I rise in support of the Coast Guard Authorization Act of 1992.

Mr. Chairman, before turning to the bill, I would like to express my personal, deep, and sincere appreciation to the gentleman from North Carolina [Mr. JONES], chairman of the Committee on Merchant Marine and Fisheries, for his outstanding leadership for so many years. This will be the last Coast Guard authorization bill that Chairman JONES will preside over, and on my behalf and on behalf of all the Members, I think I can speak on behalf of all of them today, on both the majority side and the minority side, we want to indicate that we will sorely miss his knowledge, his experience, and his quick wit, and the way he has guided our committee for so many years and has helped the Coast Guard in this and so many other bills that have come before the Congress to ensure its efficient and effective operation.

WALTER, this Congress will miss you, but our committee will especially miss you and your great service here.

I would also like to thank the ranking member of the committee, the gentleman from Michigan [Mr. DAVIS]. He has led the minority in a cooperative and bipartisan manner, and has been a true friend of the Coast Guard. We will of course miss BOB DAVIS' excellent service to our committee and to the needs of the Coast Guard.

Finally, I would like to thank my good friend, the gentleman from Texas [Mr. FIELDS], the ranking minority member of the Subcommittee on Coast Guard and Navigation. The gentleman from Texas [Mr. FIELDS] and I have developed H.R. 5055 as we have developed all Coast Guard legislation in a bipartisan manner that fully authorizes the administration's budget request for the Coast Guard.

The gentleman from Texas [Mr. FIELDS] and his staff have been extraordinary good and helpful agents for our committee, in working with the majority and myself personally, in ensuring that our work is done in a truly bipartisan manner.

JACK, I want to thank you publicly again both for your help personally and your staff.

The Coast Guard is unique. No other agency of the Federal Government does as much with so little as the Coast Guard. The Coast Guard's jurisdiction is extraordinarily broad. Its resources are stretched to the limit to meet its operational demands.

Its various missions include such things as search and rescue, where Coast Guard's men and women every day save American lives; boating safety, where again, through efforts made in cooperation with the States, lives and vessels are saved because of the educational efforts that go into planning and for safety on the water; fisheries enforcement; aids to navigation; commercial and recreational vessel inspections; marine casualty investigations; documentation of vessels; drug interdiction; licensing of mariners; oil spill response; regulation of hazardous materials, transportation by water; ocean dumping, prevention and enforcement; military readiness; icebreaking; and, believe me, I have only named a few of its many and varied missions.

The Coast Guard does this with a force of men and women that is smaller than the New York City police force, believe it or not.

Congress has charged the Coast Guard with implementing and enforcing some of the most complex and important environmental laws enacted in the last decade.

The Commandant, Adm. Bill Kime, has done an outstanding job of bringing efficient, modern management techniques to the Coast Guard. He has emphasized that the Coast Guard cannot carry out its duties without a committed and enthusiastic body of people. To that end, he has worked to ensure that

Coast Guard men and women receive adequate pay, decent housing, dependable medical care, and comprehensive training. His emphasis on the people in the Coast Guard has been the hallmark of his stewardship as Commandant. His efforts are paying off now with a better qualified, educated, and a more professional organization.

Congress loves to praise the Coast Guard. It is easy to praise the Coast Guard. And it is relatively easy to pass an authorization bill where we authorize funding for the Coast Guard. The tough part comes when it comes time for Congress to actually appropriate the funds for the Coast Guard among the many priorities that Congress must face.

We have been informed today that other committees of the House will propose drastic cuts in Coast Guard funding, as much as \$87 million in operational budgets, and about \$20 million in its OC&I budget.

These cuts will adversely affect your and my constituents and this Nation. If the cuts are deep, they will be deeply felt in vital services that affect constituents' lives, property, and the economic well-being of the maritime industries.

If cuts are going to be mandated, it is imperative that Congress work closely with the Commandant to ensure that any cut in the Coast Guard's budget will not cut into the heart and soul of Coast Guard operations.

I just got off the phone with the Commandant. Let me give you the bad news. If those cuts are the final product of this Congress, those cuts will mean dramatic cuts in the level of operation of the Coast Guard.

The current budget we recommended is a mere 1-percent increase over last year that is mainly required because of cost-of-living adjustments to the personnel of the Coast Guard. You take \$87 million out of the Coast Guard's operating budget and you will see decommissioning of ships, you will see closure of search and rescue stations and air stations. You will see closure and consolidation of marine safety offices. And you will see major delays in the implementation of the repositioning of equipment and supplies to combat oil spills, an issue which occupied this Congress so heavily in recent years.

Now, those cuts, if we cannot avoid them, will have those effects. And if we in the Congress choose other priorities, whatever they may be, whatever transportation projects we think are more important than operating a search and rescue station, then it will be on our heads when these search and rescue stations and other vital Coast Guard operations are in fact shut down.

When the President introduced his budget earlier this year, the Coast Guard's budget had already been severely trimmed. The OC&I request, which the Coast Guard uses to buy new

ships, planes, and buildings, is now \$9 million less than it was last year, before recommends cuts again.

We cannot continue to ignore the fact that the Coast Guard is operating 50-year-old ships and 75-year-old shore facilities. This bill authorizes the minimum investment the Coast Guard needs to carry out its third century of service.

I would like to point out that this bill, as I said, provides less than a 1-percent increase in authorizing funds. Much of that increase is due to cost of living requirements for Coast Guard personnel.

The Coast Guard simply cannot absorb major cuts without major reductions in services and in programs.

This is the first time that either the Reagan or Bush administrations have requested an increase in funds from the Department of Defense to the Coast Guard.

At the direction of Congress, such a transfer has in fact occurred every year for almost a decade. The administration has finally recognized that the Coast Guard has in fact a military readiness mission, and has in fact recognized that mission with the request for a \$203 million transfer from the Department of Defense. Congress must now ensure that that transfer takes place.

One additional final item. I have brought to the attention of the Committee on Rules the fact that in last year's appropriation, we transferred five aerostat vessels. Those are the vessels used to do drug enforcement surveillance, primarily in the Gulf of Mexico.

We transferred those five vessels to the Department of Defense, and the Department of Army in particular.

Since we transferred those vessels, with instructions to put them to work to assist the Coast Guard in drug interdiction, the Department of Army has parked those vessels, has had them parked, and has refused to operate them since January.

Recently the Department of the Army in fact issued an order mothballing three of those vessels, despite the clear congressional intent and letters from Appropriations Committee members, that those vessels were to be operated, despite a memo from the Commandant that describes choice points where drugs flow into the Gulf of Mexico and to the shores of America are left wide open without the operation of these aerostats, the Department of Army has stubbornly parked these vessels and has refused to operate them.

I am pleased to tell the House today that it is my understanding that the Department of Defense appropriations bill that is currently in a subcommittee, will include language mandating that the Department of the Army use \$25 million in fact to operate those five

aerostats and to close those choke points.

But let me stress again, if we do not follow through on that mandate, so far the Department of the Army has stubbornly resisted the efforts to put those vessels into operation, and in fact, according to the Commandant, has left those choke points wide open for 6 months now. That means the welcome mat is out to those druggies who want to bring drugs into America, the wide open choke points have been open since January, and it is time for Congress to close them.

I hope this House will assist us in ensuring that the defense appropriations bill does in fact contain language mandating that those vessels be operated.

□ 1435

In conclusion, I urge my colleagues, as they have in the past, to support the Coast Guard, to approve this authorization bill and to join us when the appropriations bill comes to the floor insisting that the Coast Guard have necessary funds to operate as it has done so adequately and efficiently in the years gone by.

Mr. HAYES of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Louisiana.

Mr. HAYES of Louisiana. Mr. Chairman, I came down here for the purpose of supporting the gentleman's amendments, which I anticipate are so overwhelmingly supported that there will not be a vote.

Nevertheless, I want to be on record.

Second, I came down because I was watching C-SPAN and heard the words "Coast Guard" and thought that the gentleman had a distress signal around his neck. So I came to assist.

Mr. TAUZIN. Mr. Chairman, this is not a distress signal. This is worn in honor of the men and women who serve the U.S. Coast Guard. I hope that all Members of the House have the same deep respect and admiration for those men and women, as I have. I hope we show that deep respect when we approve not only this authorization bill but the appropriations that must come and must follow.

Mr. FIELDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as a cosponsor of H.R. 5055, I rise in strong support of the Coast Guard Authorization Act of 1992.

And, like subcommittee Chairman TAUZIN, I, too, want to pay special recognition to Chairman WALTER JONES. I have served with Chairman JONES for 12 years. He has always been fair—always cared about his committee on both sides—been truly bipartisan and for that we are appreciative.

I would also like to compliment my distinguished subcommittee chairman, Congressman BILLY TAUZIN, for his outstanding leadership and for moving this bill in such an expeditious fashion.

This essential funding measure for the Coast Guard has been drafted in a truly bipartisan manner and I appreciate all of the courtesies extended to this side of the aisle.

While the administration may have some concerns about the legislation, it was unanimously reported by the full Merchant Marine and Fisheries Committee just 2 weeks ago.

It is the product of many months of careful deliberation and it is fiscally responsible in that it authorizes only \$25.6 million more than last year's figure. While frankly I would have supported a higher funding level, the Commandant of the Coast Guard has stated that this authorization bill will provide sufficient financial resources to meet their operational needs.

Nevertheless, we must all recognize that the Coast Guard and its personnel are being stretched to their absolute limits. Instead of eliminating certain missions, Congress continues to mandate new and additional responsibilities.

With this bill, the Coast Guard will be able to continue to replace their seagoing and coastal buoy tenders; to pre-position certain oil spill cleanup equipment at coastal locations throughout the country; to renovate the Coast Guard icebreaker *Mackinaw*; to upgrade our Nation's vessel traffic service system and to arrest those persons bringing illegal drugs into the United States.

Furthermore, the Coast Guard is currently involved in a massive effort to promulgate the various regulations mandated by the Oil Pollution Act of 1990.

Mr. Chairman, there are few, if any, Federal agencies that more responsibly spend our taxpayer's money and it is essential that the Coast Guard receive the full \$3.8 billion authorized by this legislation.

While there are a number of important provisions contained within H.R. 5055, I would like to highlight several which are of particular interest to me.

First, H.R. 5055 authorizes the prepositioning of certain Coast Guard oil spill cleanup equipment for the Houston Ship Channel.

As a representative of the Port of Houston, I am committed to ensuring that, if we have any future oil spills, they will be cleaned up quickly and effectively. By having this Coast Guard equipment prepositioned in the Houston Ship Channel, we are much more likely to minimize any environmental impacts.

Furthermore, there are few, if any, regions of our country that have larger concentrations of petroleum products than the Port of Houston and no location which more fully satisfies the prepositioning criteria stipulated in the Oil Pollution Act.

Under this provision, the Port of Houston will receive two vessel of op-



portunity skimmers, 2,500 feet of oil containment boom, and two portable floating bladders. This equipment will supplement that to be provided by the Marine Spill Response Corporation, which is a privately funded organization.

Second, H.R. 5055 provides \$1.25 million so that the Texas Center for Marine Training and Safety at Galveston, TX, can purchase a marine oil spill management simulator.

This state-of-the-art technology will provide individuals with computer simulations of actual oil spills. By so doing, it will allow hundreds of students, including maritime cadets, Coast Guard personnel, and professional mariners to learn firsthand how to deal with an oil spill under a number of different scenarios.

Using a simulator allows valuable training to take place quickly, cheaply and repeatedly without risking lives or an environmental catastrophe. Because of this training, an individual will be much more likely to respond correctly when confronted with an actual oil spill.

Mr. Chairman, Texas A&M University has been in the forefront of efforts to educate those involved in the domestic oil and transportation industry. In 1977, the university established the National Spill Control School, which offers a variety of courses on such subjects as oil spill prevention, emergency response training, and safe handling of dangerous cargos. Since its opening the school has trained 12,500 persons.

I am convinced that the \$1.25 million authorized in this bill is a proper investment of oil spill liability trust funds and, with this simulator, Texas A&M University will be able to do even a better job of educating thousands of Americans on how to protect our Nation's coastline from oil spills.

Third, I am pleased that incorporated within section 301 of H.R. 5055 is my language to prohibit the collection of any fees for the inspection of our Nation's five State Maritime Academy training ships.

The Texas *Clipper*, which is the training ship for the Texas Maritime Academy, and the other sailing vessels are owned by the Federal Government and are chartered to the State Maritime Academies under long-term operating agreements. Since Congress appropriates money each year to the State academies, frankly, it makes no sense to now demand that they pay \$7,200 for each Coast Guard inspection. While I would prefer that the Coast Guard simply exempt these vessels from their proposed regulations, it appears that a legislative solution will be necessary.

Fourth, this legislation addresses the issue of Coast Guard enforcement of certain regulations to protect sea turtles. While this bill does not propose to alter or suspend the use of the turtle excluder devices [TED's], a number of

individuals who have been accused of violating these regulations have been denied due process of law. Under the Endangered Species Act, all citizens are guaranteed a hearing on their case before any penalties can be assessed.

Regrettably, requests for hearings have been routinely denied and shrimpers in the Gulf of Mexico have not been given their day in court.

This situation must be corrected and H.R. 5055 requires that a memorandum of agreement be signed by the Coast Guard and the National Marine Fisheries Service allowing those accused of a violation to appear for a hearing if a timely request is made.

Mr. Chairman, regardless of whether a Member is for or against the TED enforcement regulations, we must ensure that our citizens' constitutional rights are protected.

Finally, this bill will improve safety for the 4 million Americans who travel on a foreign-flag cruise ship each year. Section 302 will allow the Coast Guard to prevent the departure of any passenger vessel which does not fully comply with the International Convention for the Safety of Life at Sea [SOLAS]. Under SOLAS, to which the United States is a party, inspection authority is unlimited. Therefore, H.R. 5055 amends current U.S. law to allow the Coast Guard to withhold port clearance when they have concerns about the safety or the seaworthiness of a certain cruise ship. It is a long overdue change that will improve safety for the traveling public.

Mr. Chairman, for all of these reasons, I strongly support the enactment of the Coast Guard Authorization Act of 1992. While H.R. 5055 is not a perfect bill, it will allow the Coast Guard to continue to wage its battle against illegal drugs, to protect our coastline from future oil spills, and to assist thousands of Americans throughout this country.

Mr. Chairman, again, I urge support for H.R. 5055 and compliment Chairman TAUZIN for his superb leadership in moving this vital Coast Guard funding bill.

Like the gentleman from Louisiana, Chairman TAUZIN, I was just informed by the Commandant of some drastic reductions from another committee, and I wanted to ask the gentleman from Louisiana, Chairman TAUZIN, I know it is early and it is difficult to say what those reductions would mean.

As I understand, there is an \$87 million cut that has been proposed in another committee.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, the gentleman is correct. The \$87 million reduction is being proposed by the subcommittee in Appropriations, and it is \$87 million in operations, \$20 million

additional on AC&I. That is the acquisitions budget.

Mr. FIELDS. Mr. Chairman, if I could ask the gentleman, he and I have both been very active in trying to deal with the threat of oil spills in our coastal waters. It appears to me that one of the things that would be impacted initially would be the ability to preposition this oil spill clean-up equipment.

□ 1444

Mr. TAUZIN. If the gentleman will continue to yield, there are 21 proposed sites on the coastline of America all around this country, sites that are designed to be places where equipment, supplies, the kinds of things that the Coast Guard is going to need to respond to an oil spill which would be pre-positioned, ready to go into action if and when a spill occurs. The Commandant today on the phone told me that implementing those 21 sites would be dramatically delayed as a result of cuts recommended by the Appropriations Subcommittee.

Mr. FIELDS. The Commandant said basically the same thing to me. He also talked about some facilities that might be closed. Does the chairman have any idea what type of facilities we are talking about?

Mr. TAUZIN. If the gentleman will yield, I asked the Commandant to specify that for me as accurately as he could. He and his staff are hastily trying to accomplish a list that has more specificity than he could give me this morning. However, I can tell you this: He clearly said there would be shutting down of some search and rescue stations and air stations.

Does the gentleman recall when the Congress had to face that several years ago, and how this body literally came together in a great cry not to shut those stations down? These cuts would shut down search and rescue stations, imperiling lives immediately.

Second, it would clearly mean de-commissioning of some Coast Guard vessels. If we do not have the money to operate, we simply cannot operate the vessels the Coast Guard needs to do all the other work, fisheries enforcement, rescue, what have you.

It would also clearly mean that there would be some reductions in the amount of money available to do such things as pre-positioning equipment and supplies for oil spills and a delay in the whole implementation schedule of OPA 1990, the oilspill act that Congress passed with such fanfare a few years ago.

Mr. FIELDS. I don't know if the chairman heard the same thing that I heard, but I also heard that was not something that he would be able to wait on, the Commandant, up until the last minute; that he would be able to make personnel reductions now and that these people would not necessarily be hired back.

Mr. TAUZIN. If the gentleman will continue to yield, I am not sure everyone in the House is aware of how important the Marine Safety Office is to a community that has a marine industry. A Marine Safety Office is a critical component of not only safety for the recreation of the public but for the marine industries that are critical to this Nation and its economy.

The Commandant said he would have to begin immediately consolidating and shutting down Marine Safety Offices. He would have no choice if in fact these kinds of cuts were mandated, and he could not wait to do it in the middle of the year. He would have to start shutting down search and rescue stations. He would have to start decommissioning vessels and shutting down safety offices. That is how serious these cuts could be to the Nation and to the economics and to the health and safety of the boating public.

Mr. FIELDS. One of the most important missions of the Coast Guard is drug interdiction, and the chairman has been very active in that particular area. Is there any insight as to what this particular reduction would do in that drug interdiction area?

Mr. TAUZIN. If the gentleman will yield, the gentleman knows we have included language from time to time in our authorization bill to make sure that drug interdiction money were not used in lieu of operating search and rescue stations, but what a choice, what a choice, if this Congress is forced to look at an \$87 million reduction in the operation of the Coast Guard, if we have to choose between a necessary drug enforcement effort to stop drugs from coming in to kill the lifeblood of the future generations of our country, or to save somebody who is drowning in the recreational waters of our country. What an awful choice. But we are going to be faced with those kinds of choices if in fact these cuts come down.

Mr. FIELDS. Of course, I know no one is going to accuse the gentleman from Louisiana [Mr. TAUZIN] of not being a fiscal conservative, nor me of being a fiscal conservative.

However, I think it is very important for the House, the entire House, to recognize that the Coast Guard is already at their bare-bones level, and that this \$87 million is extremely important.

I would just like to commit to the chairman to work with him in a bipartisan fashion to make sure that all Members of the House recognize how important this particular money is.

Mr. TAUZIN. If the gentleman will continue to yield, unlike a number of budgets we are going to look at before this year is through, the Coast Guard's budget is not increasing rapidly. It is set at less than 1 percent increase this year, and that is due mainly to the cost-of-living adjustments to its personnel.

If we take \$87 million out of it, there is no place for it to come but out of the

hide of operations critical to the safety, health, marine traffic, and all the other good things the Coast Guard does, and the drug enforcement and what have you. The gentleman is absolutely right, we have not been greedy, we have not been excessive in our appropriations to the Coast Guard. We have given them the bare minimum to do their incredible job, and they give us more for the dollars we send them than I think any other Federal agency that we ever appropriate for. I hope that Congress clearly understands that when it comes down to looking at what these cuts are going to mean to the Nation and the state of readiness of the Coast Guard.

Mr. FIELDS. Mr. Chairman, I reserve the balance of my time.

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me highlight a provision of special concern to me. Section 104 addresses serious shoreline problems at Group Hatteras, which is located in my district. At stations within this group, Coast Guard men and women live in 20-year-old trailers and homes that were last renovated in the 1950's. The Coast Guard doesn't even have the money to replace the wooden fire escapes on aging buildings. H.R. 5055 will remedy this situation by directing the Secretary to spend up to \$5.5 million over 5 years to fix up these facilities.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. I rise in support of H.R. 4055, the Coast Guard Authorization Act of 1993.

The Coast Guard is an agency charged with many diverse missions including search and rescue, marine safety, aids to navigation, marine environmental protection, defense readiness, drug interdiction, and law enforcement.

Despite this broad range of tasks, the Coast Guard continues to function effectively and efficiently. Indeed, I believe the Coast Guard is the finest and most well-run branch of the armed services, and I am very proud that the country's only Coast Guard Training Center is in my district, in Cape May, NJ.

H.R. 5055 authorizes an appropriation of \$3.6 billion for Coast Guard programs in fiscal year 1993, a modest increase of 6 percent over last year's appropriation. I believe this budget reflects the Coast Guard's commitment to all its missions, including the Commandant's personal goal of increasing the quality of life for the Coast Guard's enlisted men and women.

I am particularly pleased to see an increase in the authorization of funds for marine environmental protection, vessel traffic service systems, pre-positioned equipment, and strike teams, in

addition to an expansion of the national oilspill response system.

The recent *Santa Clara I* incident, in which hazardous cargo was lost overboard during the vessel's transit along the east coast, demonstrates the real and growing need to maintain a readiness to respond to pollution and environmental disasters at all times, particularly as international commerce in hazardous substances increases.

Another crucial objective of the Coast Guard is to improve boating safety and to foster greater development, use, and enjoyment of all U.S. waters. Accordingly, the increase in the Wallup-Breaux trust fund to be used for State grants for recreational boating safety activities will aid the Coast Guard in accomplishing this goal. Further, the Coast Guard's plan to develop a boating safety education program geared to our young boaters is an effective means of improving boating safety, and I support it wholeheartedly.

This bill also increases authorization levels for research and development, environmental compliance, acquisition, construction and improvement, and operating expenses.

Overall, this is a sound, cost-effective bill, and I urge my colleagues' support for its passage.

□ 1450

Let me say before I sit down that it is disheartening to learn of the Appropriations Subcommittee's reduction of the Coast Guard activities, \$133 million total, \$87 million in operations. I guess when you forget about history you are bound to repeat it, and that is what we are doing again.

I remember just a few years ago, and I am sure my colleagues from Louisiana and Texas remember as well when we had those kinds of cuts in the operating budget, and we had about 40 percent of our fleet idle. We did not have enough fuel at that time basically to man our cutters to be able to do our job in the Caribbean against the drug traffickers.

At a time when substance abuse is on the increase they are proposing a \$87 billion reduction in the Coast Guard. At a time when our fleet is falling apart because we have not committed enough resources to maintaining our cutters, when we are not building new cutters to replace the aging cutters in our fleet, why we are cutting about \$29 billion in maintenance. It just does not make sense.

Mr. Chairman, I look forward to working with my colleagues on the Coast Guard authorization committee in seeing that this particular authorization is not only passed into law, but we see an appropriation of a level amount.

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

The story of the Coast Guard consists of many tales of courageous individuals—



The search and rescue teams that brave hurricanes and gales to rescue individuals lost at sea;

The young men and women who confront armed drug smugglers;

The teams that handle hazardous chemical spills knowing that a mistake may cause pain or death.

This year, a Coast Guard hero, Comdr. Bruce Melnick, was one of the astronauts of the space shuttle *Endeavour*. This crew defied the odds and successfully captured and repaired an unwieldy 4½-ton satellite. Who can forget those thrilling live television shots of this space rescue?

Commander Melnick's triumph exemplifies the innovation, talent, and deep commitment to public service that the Coast Guard brings to its many demanding missions.

Commander Melnick is a model and inspiration for our young people. He is also an excellent representative of the men and women of the U.S. Coast Guard—heroes all.

Mr. Chairman, I reserve the balance of my time.

Mr. FIELDS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding me the time.

I want to thank the members of the House Committee on Merchant Marine and Fisheries, especially Chairman JONES, Mr. DAVIS, Chairman TAUZIN, and Mr. FIELDS for their unanimous support of my legislation which is included in this year's Coast Guard reauthorization bill. I would also like to thank Congressman GILCHREST for offering my legislation as an amendment during the Subcommittee on the Coast Guard's consideration of H.R. 5055.

As you know, the Coast Guard is part of the Department of Transportation and therefore is not bound by the same procurement policies as is the Department of Defense. Buoy chain procurements are currently covered by the Buy American Act and the Federal acquisition regulation which are intended to level the playing field between U.S. domestic bidders and foreign bidders. However, there are only two U.S. manufacturers that regularly bid buoy chain solicitations because many American companies find they cannot compete with foreign companies who are subsidized by their governments.

According to the recent figures obtained from the Coast Guard, in fiscal year 1990 the Coast Guard procured 69.1 percent of its buoy chain from China, 15.4 percent from Yugoslavia, and only 15.5 percent from the United States.

Moreover, if bid selections are approved for fiscal year 1992, only 6 percent of the buoy chain purchased would be from domestic sources and 94 percent would be from foreign manufacturers.

H.R. 5055 would require the Coast Guard to be subject to the same pro-

curement policies as the Department of Defense, therefore restricting the Coast Guard from procuring buoy chain that is not manufactured in the United States. In addition, all of the components of the buoy chain must be produced or manufactured in the United States.

Although the Coast Guard estimates this change will increase their costs for buoy chain, buy America is a good policy from a national security, strategic defense, and economic standpoint. I hope my colleagues will join me in supporting this reauthorization bill.

□ 1500

Mr. FIELDS. Mr. Speaker, I yield 7½ minutes to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me, first of all, echo the sentiments of others who have spoken.

As a conservative in Congress, and I would match my credentials with any other conservative in Congress, I want to support the funding of the Coast Guard. You know, there is a lot of talk nowadays about defense cuts, about what we are going to have to do in our Nation's defense.

Quite frankly, I think we have cut too far in many areas, but there is a major distinction that many people are not aware of when they deal with the Coast Guard. A defense system is one that practices and prepares in the event of a war or a conflict. In the Coast Guard, the war is going on every day. The Coast Guard deals with search and rescue, with drug interdiction, with oil spills. These are very real things that are going on.

During the subcommittee meeting, we were able to put an amendment on the Coast Guard bill to determine what use we could make of a vehicle that is particularly adept for use for the Coast Guard. It is the tilt-rotor concept of the V-22. This is something that was developed several decades ago. It was used in the original prototype, which was the XV-15.

I have to be very candid and say the fuselages were made in the Rockwell plant in Tulsa, OK, so perhaps I do come from somewhat of a prejudiced perspective, but in the area of aeronautics myself, I can show and demonstrate to people that if there was ever a vehicle that could be used for the Coast Guard, it would be this particular vehicle which has the capability of a 300-knot speed and hovering capability by the rotation of the motors.

Admiral Yost, prior to his leaving the Coast Guard, said that the tilt-rotor concept is the answer to a Coast Guard commander's prayers.

In the area of search and rescue, I do not think anyone can look at this and not see that this has the advantage of

getting there and then hovering once it is there, that there is not another vehicle that would do anything like this.

On an average day, the search-and-rescue operations save 13 lives and some 339 people are assisted. I happened to be one of those individuals who was assisted just a few years ago. So I am very familiar with that. In the area of drug interdiction, I do serve on the drug committee as the gentleman from California does. We were talking right before this that those of us like the gentleman from California [Mr. DORNAN] and myself who are pilots and who have a background in aviation, when you say that something will go 300 knots and hover, you have told the whole story.

Certainly drug interdiction is an area where it can be used.

In oil spills, we are all anguished over the problems that happened in Prince William Sound when we had the *Erion Valdez* incident, and certainly that would be an area where there would be an excellent application.

The gentleman from California and I did a 2-hour special order after I flew a small plane around the world not too long ago, last summer, and I stopped at the various Coast Guard stations. One of them was under the leadership of Adm. David Ciancaglini in Juneau, AK. When we went out and analyzed the vehicles being used up there, he agreed that every mission the Coast Guard had could be enhanced by the use of this particular vehicle.

So I am very pleased that this is going to be something that is included in this bill, and I think that the Coast Guard, by determining how this is going to be used, is going to be in a position to offer a lot to civilian aviation also.

We know in this day and age of shorter runways, of airports being closed, of noise problems that exist, certainly this has a great civilian application.

Lastly, I would say that if you look at our balance of trade, developing this technology in America will preclude others from developing it and before we are able to do it. It is our information that the Japanese are already working on this technology. If we can get there first, obviously it is going to be to America's advantage and to everyone in America.

So I am very pleased this is going to be part of this bill, and I am very supportive of the bill, as I have told the chairman.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. INHOFE. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Chairman, I just wanted to support everything the gentleman has said about this V-22 Osprey. I truly consider it a national asset for all the services, not only for the Marine Corps amphibious mission, which has grown absolutely

obsolete given beach fortification firepower; you have to envelop them by insertion probably at night deep behind the enemy lines. The same would apply to the Army units, all Special Forces units.

Let me speak briefly to this rescue mission. I do not want to bore my colleagues with a peacetime war story, but I was ferrying an Air Force jet fighter from an Air National Guard field in Van Nuys, obviously an intensely populated area, to the boneyard in Davis-Monthan in Tucson to be cut up. This was the hangar queen. I had not flown in 73 days. The plane had not flown in 4 months. It flamed out over a dense area. So I took it out trying to get an air start, and then I took it out over the water to punch off the tanks.

I finally realized I was going to have to get out of this aircraft. I had delusions of bailing out, and with the sea and prevailing winds, my parachute drifting into the beach. By the time I got out of it, I was 6 miles out, with no Mae West, no liferaft.

A helicopter came out to get me. This is ancient, because this is 30 years ago this coming February 23. That helicopter had been assigned rescue duty that first day, that very hour, and it is still there, derivatives of the helicopter 30 years later.

The pilot of the helicopter told me, after I had warmed up, because it was the coldest day of the year off the California coast, 46 degrees water temperature, which is hypothermia time. He told me that probably 10-15 more seconds, I would not have lived.

Now, if he had had this aircraft, the V-22, he would have been out there in minutes, not the 15 or 20 minutes it took them to get 6 miles out in an old HUP helicopter. This helicopter is the ultimate rescue weapon for the Coast Guard since the rowboat. We simply must build it.

Mr. INHOFE. Mr. Chairman, reclaiming my time, I certainly do not want the gentleman from California to think, by my support of this for the Coast Guard, it diminishes my interest for the Defense Department, because he and I were both over the Persian Gulf during the war. If you stop and think about the mission over there and how it could have applied, that is great, but since it looked like it was not meeting with a favorable reception in Defense, this is a logical place for it to start. We have got to keep this alive. We have got to keep this the country that produces and the advanced technology of tilt-rotor, and this is a good place to start.

Mr. DORNAN of California. If the gentleman will yield further, if we buy it, every Coast Guard in the world will buy it.

Mr. FIELDS. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I want to compliment the chairman of the full committee, the gentleman from North Carolina [Mr. JONES], and the chairman of the subcommittee, the gentleman from Louisiana [Mr. TAUZIN], and the ranking member, the gentleman from Texas [Mr. FIELDS], for their good and sound work again on the Coast Guard.

They have brought out some very interesting points.

I have been on the committee for 20 years now, and we have increased the funding for the Coast Guard to some degree over what it was when we first came, but we are still not up to speed. We believe that we need more, because the Coast Guard just is not for coastal areas or rescuing people in jet planes. It is also for the Nation when it comes to drug interdiction, oil-spill cleanup opportunities, not only on the oceans but in the rivers.

It was, also, the immigration problems. The Coast Guard has been charged with numerous responsibilities by this Congress.

I will say that Congress has, under the leadership of this committee, tried to fund them adequately, and I believe that we have to bring it home to this administration and to other Members of this Congress that we should be increasing the spending to a greater degree.

Mr. Chairman, I also believe that I cannot stand here and speak about the Coast Guard without reminding people of their role in activities with the *Exxon Valdez* oil spill. The Coast Guard was the lead agency after finally getting things straightened out, and we learned something and passed legislation through the oil-spill legislation to give the Coast Guard the authority to do the job.

□ 1510

Now, we have given the authority. Hopefully, we are going to give them the equipment and we will have the direction in place so that if we ever have another oil spill that we will have the ability to clean it up.

It may be for nought, if I may remind the Members, because we are producing so little oil. This last month we imported 7.5 million barrels a day and only produced 6.2 million barrels a day, so there may not be any need for this so-called oil spill legislation cleanup activity, if we do not start producing some oil.

I am going to remind this Congress that the Coast Guard can be funded if we are making products and producing products in this country. So it is time we start thinking also where we are in the fossil fuel production in this country. There are 630 wells being drilled today, rigs being used, versus 4,000. There were 4,000 wells in 1980.

We have run our business overseas. It is in China. It is in Russia. It is in Ven-

ezuela and Colombia. It is in Saudi Arabia, Iran, and Iraq, but it is not here at home.

So as much as I support this bill, and I do support it very strongly, it plays a major role in my State with the large coastlines we have, with the search and rescue that takes place, with the fine personnel that we have, and we must fund them adequately.

But this Congress has to wake up to where we are as far as production of energy for this Nation. If not, we are doing this all in vain.

Again, I thank the chairman of the full committee and the chairman of the subcommittee and the ranking member, the gentleman from Texas [Mr. FIELDS] for their activity on the Coast Guard. Let us pass this legislation overwhelmingly.

Mr. Chairman, I rise in support of H.R. 5055, a bill to authorize appropriations for the U.S. Coast Guard, and urge its adoption.

Mr. Chairman, the Coast Guard is an important line of our national defense, especially in coastal States, such as my own State of Alaska. The Coast Guard has done an excellent job in keeping the peace, enforcing laws and treaties, performing search and rescue missions, and protecting our environment. They should not only be commended for their fine work, but also should be given the level of funds necessary to carry out their job.

Now that I have said all these good things about the Coast Guard, I want to point to one section in this bill that corrects a mistake made by this fine agency. Section 306 of this bill authorizes the Coast Guard to pay certain subcontractors who have been the victims of bureaucracy and outright fraud. The story is simple: In 1987, the Coast Guard contracted for work to be performed in Ketchikan, AK. The contractor subcontracted with a number of local firms. The Coast Guard paid the contractor, but the contractor never paid the subcontractors. In trying to collect their payment, the subcontractors discovered that the contractor had gone bankrupt, and the bond posted by the contractor was completely worthless. The subcontractors have tried every legal avenue they could to receive their payment. To date, they have received nothing, and they will never get anything in the future unless Congress authorizes a payment.

There is some question as to whether the Coast Guard has a legal liability in this issue. After all, the Coast Guard was supposedly operating under the contracting rules in force at the time. However, it appears to me, and the Committee has agreed, that the Coast Guard may not have done all it should have to make sure that the subcontractors were protected.

This section authorizes the Secretary of Transportation to investigate this issue within a set time frame and, if certain findings are made, to pay the subcontractors what they are owed. We think this is the only fair way to see that American workers and small businesses are protected.

Again, Mr. Chairman, I believe this is a good bill and I urge its passage.

Mr. FIELDS. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. GOSS].



The CHAIRMAN. The gentleman from Texas only has 3½ minutes to yield.

Mr. FIELDS. Mr. Chairman, I yield 3½ minutes to the gentleman from Florida [Mr. Goss].

Mr. GOSS. Mr. Chairman, I thank my distinguished colleague, the gentleman from Texas, for trying to put a Texas spin on that 3½ minutes very much.

Mr. Chairman, I, too, want to pay my respects to the chairman of the committee. I felt it was an honor and a privilege to serve with the gentleman from North Carolina [Mr. JONES] since I have been in Congress. I think I have learned a lot, and we will certainly miss the gentleman, and I want to extend my congratulations to the gentleman for the good work he has done on this through the many years that he has done it, and I join with my other colleagues who have made those statements.

I also want to commend the chairman, and of course, our ranking member, the gentleman from Louisiana [Mr. TAUBIN] and the gentleman from Texas [Mr. FIELDS] for getting this authorization bill forward.

Mr. Chairman, these are very challenging times for the U.S. Coast Guard, and the trend, I fear, is that Congress is heaping more and more on the Coast Guard's plate without regard for priorities or affordability.

On any given day, the Coast Guard must be prepared to patrol for smugglers, conduct search and rescue missions, protect life and property at sea, protect the marine environment including oil spill matters, maintain aids to maritime navigation, assist in icebreaking activities, promote boating safety, and last but not least, the Coast Guard must always be prepared to serve as a branch of the Navy in times of war. Quite a tall order to fill, but somehow the Coast Guard always comes through.

The problem for the Coast Guard, not to mention the taxpayers, is that each year the list of Coast Guard duties continues to grow as resources continue to dwindle. In the last 20 years, the legal responsibilities of the Coast Guard have expanded enormously as a result of the adoption of 19 new maritime laws. The Coast Guard simply does not have the manpower or the budget to absorb new mandates at this rate.

With the adoption of the recreational boat user fee, the Congress has successfully, if unwisely, transformed the Coast Guard into an arm of the IRS. And with the latest mandate passed down—requiring the Coast Guard to commit major resources to the windward passage—the Coast Guard has been asked to assume the role of immigration support officer. It is extra missions such as these that force the Coast Guard to dip into resources provided for basic Coast Guard needs and services. This is unfair not only to the

Coast Guard, but also to the taxpayers at large who depend on basic services.

Up until now, the Coast Guard has successfully lived up to its numerous responsibilities. But we may have reached a point where the Coast Guard and the taxpayers have to say "no" to additional missions.

Mr. Chairman, no matter how much we challenge the ability of the Coast Guard to manage on a shoestring budget, we have a responsibility to prioritize the duties of the Coast Guard with an eye toward affordability. I certainly am not advocating micromanagement by Congress—I am urging a better system of oversight that allows us to know when we are robbing Peter to pay Paul. There may be valid reasons to do so—as we have recently seen in the windward passage—but I believe we all need to know the true cost in dollars and forgone missions in support of other goals. I support this authorizing legislation, today, but I note my concern.

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is up to us to pursue policies to assure a world where shipping is safer, the oceans are purer, the coasts are cleaner, and fisheries resources are richer. Today, we have a chance to act to achieve these goals. Let us give the men and women of the Coast Guard the resources and equipment necessary to meet these challenges and fulfill their other responsibilities. I strongly urge my colleagues to support the Coast Guard by passing this extremely important bill.

Mr. Chairman, I have no further requests for time, and I yield back the balance of our side's time.

Mr. RANGEL. Mr. Chairman, the House in committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5055) to authorize appropriations for the Coast Guard for fiscal year 1993, and for other purposes:

Mr. Chairman, I rise in support of H.R. 5055, Coast Guard Authorization Act of 1992. The bill authorizes \$3.6 billion for the Coast Guard in fiscal year 1993—including \$2.6 billion for operating expenses, \$419 million for acquisition and construction, \$30.5 million for environmental compliance, and \$520 million for retirement benefits. The total authorized is \$198 million—6 percent more than appropriated for those Coast Guard activities in fiscal year 1992, and \$6.5 million more than requested by the Bush administration. Mr. Chairman the Congressional Budget Office estimates that if Congress appropriates the full amount authorized in the bill, outlays would be \$2.1 billion in fiscal year 1993, \$427 million in fiscal year 1994, \$344 million in fiscal year 1995, \$81 million in fiscal year 1996, and \$33 million in fiscal year 1997.

Mr. Chairman, the Coast Guard is a multi-mission agency. Organizationally, the Coast Guard is part of the Department of Transportation in peace time, but in war time, it is a part of the Navy, and as such is part of the

Department of Defense. The Coast Guard's mission includes such diverse duties as search and rescue, marine safety, aids to navigation, marine environmental protection, defense readiness, drug interdiction, enforcement of laws and treaties and ice operations.

For several years, the Coast Guard has been expected to do more, with less resources. The Coast Guard's budget is the bare minimum necessary to accomplish its many missions. Coast Guard surveillance is a vital part of our Nation's drug interdiction strategy. Coast Guard intelligence also allows civilian and military law enforcement agencies to respond more expeditiously when a suspected drug smuggling boat or airplane is spotted. In addition, boarding suspected drug smuggling vessels is a dangerous task that requires, specialized training, bravery and tact.

In addition to annual authorizations the Coast Guard is permanently authorized under existing law to spend funds for reserve training—expected to be about \$75 million in fiscal year 1993, of which \$43 million would be transferred from the Defense Department.

Mr. Chairman, a provision in the bill would increase from \$1,000 to \$5,000 the maximum civil fine for second, and any subsequent, violations of operating a boat under the influence of drugs or alcohol. This change in the law is appropriate because operating a boat while intoxicated is just as dangerous, if not more so, than operating a motor vehicle under the influence on shore.

The bill also requires the Coast Guard to report to Congress on the possible applications of V-22 Osprey tiltrotor aircraft technology to Coast Guard missions, particularly search and rescue, law enforcement, and oil spill response.

Mr. Chairman, the Bush administration opposes passages of H.R. 5055 for several reasons. The administration does not approve of the provision that exempts training vessels operated by State maritime academies from a proposed Coast Guard user fee for vessel inspections; that require the Coast Guard and the Commerce Department to agree on procedures involved in enforcing U.S. fisheries laws and regulations. It also opposes provisions that direct the Coast Guard to undertake specific actions; that declare certain bridges and obstructions to navigation, and thereby eligible for Federal assistance to remove or alter them.

Mr. Chairman, I hope that when H.R. 5055 reaches his desk President Bush will sign it, because it is inconsistent to talk about how serious the Nation's drug problem is, acknowledge what an important role the Coast Guard plays in the war against drugs, and then deny them the funding necessary to do an adequate job of drug interdiction.

Mr. STUDDS. Mr. Chairman, I rise in strong support of H.R. 5055, legislation authorizing funding for the U.S. Coast Guard for fiscal year 1993.

Residents of southeastern Massachusetts know better than just about anyone, how important a healthy and well equipped Coast Guard is to their community. Whether it's protecting our beaches from oil spills, rescuing our fishermen at sea or keeping our channels well marked, the Coast Guard's activities are a big part of our lives.

The funding authorized in this bill represents about a 6 percent increase over last year's appropriations. While the hearing record created by Subcommittee Chairman TAUZIN clearly shows that the Coast Guard needs more than that, we will have a difficult time getting the 6 percent increase. Last week the Appropriations Subcommittee on Transportation marked up a bill which essentially freezes the Coast Guard at last year's levels. I urge all of my colleagues to join with our committee in seeking an increase for the Coast Guard 1993 appropriation.

Just 2 weeks ago, I had the privilege of taking part in a ceremony dedicating a monument to fishermen in the Port of Chatham, on Cape Cod. Chatham is an old fishing port which opens to the Atlantic through one of the most treacherous channels on the east coast. For centuries, the Coast Guard and its predecessors—the Lighthouse Service and the Life-saving Service—have had a presence in Chatham.

During that ceremony over 1,000 people stood to pay tribute to Senior Chief Jack Downey, who is in charge of the local search and rescue station. Chief Downey—the best damn chief in the Coast Guard—represents the finest of the Coast Guard's proud tradition.

The funding and military strength and training levels authorized in this bill will provide the Coast Guard—and people like Chief Downey—with the resources it requires to continue to be the Nation's finest. I urge my colleagues to support this bill.

Mrs. MINK. Mr. Chairman, I urge my colleagues to support H.R. 5055, the Coast Guard authorization bill.

This bill authorizes \$3.6 billion for the Coast Guard in fiscal year 1993, of which \$2.6 billion covers Coast Guard operating expenses. It should be noted that this \$2.6 billion is equal to the amount requested by the administration and 5 percent more than appropriated in fiscal year 1992 for Coast Guard operating expenses.

Coast Guard operations include carrying out search and rescue missions, interdicting the transport of illegal drugs, aiding navigation, protecting the marine environment, and enforcing treaties and laws. The Coast Guard's role in ensuring the public safety cannot be minimized, especially in an island State like Hawaii.

The waters around the State of Hawaii are utilized for every conceivable water-based recreational and commercial activity and include some of the richest fishing grounds in the mid-Pacific. The waters northwest of Kauai, the westernmost of the State's eight principal islands, support more than a fair share of these rich fishing grounds. As such, these waters attract a considerable amount of recreational and commercial fishing activity.

The above activity and the Coast Guard's plans to essentially relocate its Kauai station to the island of Oahu, 100 miles further to the East, has prompted a number of my constituents to question the appropriateness of the Coast Guard's plans.

I join my constituents in urging the Coast Guard to reconsider its plan to ensure that search and rescue missions in the waters around and to the northwest of Kauai are carried out in a timely manner.

The CHAIRMAN. All time has expired for general debate.

Pursuant to the rule, the amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment and each title is considered as having been read.

The Clerk will designate title I.

Mr. JONES of North Carolina. Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute made in order as original text by the rule be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 5055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### TITLE I—AUTHORIZATION OF APPROPRIATIONS

##### SECTION 101. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1992".

##### SEC. 102. AUTHORIZATION.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1993, as follows:

(a) For the operation and maintenance of the Coast Guard, \$2,603,000,000, of which—

(1) \$142,100,000 shall be transferred from the Department of Defense;

(2) \$31,876,000 shall be derived from the Oil Spill Liability Trust Fund; and

(3) \$35,000,000 shall be expended from the Boat Safety Account.

(b) For the acquisition, construction, rebuilding, and improvement of aids-to-navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$419,030,000 to remain available until expended, of which—

(1) \$18,000,000 shall be transferred from the Department of Defense; and

(2) \$37,852,000 shall be derived from the Oil Spill Liability Trust Fund.

(c) For research, development, test, and evaluation, \$29,900,000, to remain available until expended, of which \$4,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(d) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$519,700,000, to remain available until expended.

(e) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Administration Program, \$12,600,000, to remain available until expended.

(f) For environmental compliance and restoration at Coast Guard facilities, \$30,500,000, to remain available until expended.

##### SEC. 103. AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING.

(a) As of September 30, 1993, the Coast Guard is authorized an end-of-year strength for active

duty personnel of 39,732. The authorized strength does not include members of the Ready Reserve called to active duty under section 712 of title 14, United States Code.

(b) For fiscal year 1993, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,653 student years.

(2) For flight training, 110 student years.

(3) For professional training in military and civilian institution, 362 student years.

(4) For officer acquisition, 878 student years.

##### SEC. 104. SHORE FACILITIES IMPROVEMENTS AT GROUP CAPE HATTERAS.

The Secretary of Transportation shall expend not more than \$5,500,000 of amounts authorized to be appropriated for the Coast Guard in Fiscal Years 1993, 1994, 1995, 1996, and 1997, for shore facilities improvements within Group Cape Hatteras, North Carolina.

##### SEC. 105. PREPOSITIONED OIL SPILL CLEANUP EQUIPMENT.

Of the amounts authorized to be appropriated for acquisition, construction, rebuilding, and improvement that are derived from the Oil Spill Liability Trust Fund in fiscal year 1993, the Secretary of Transportation shall expend \$1,780,000 to acquire and preposition oil spill response equipment at Traverse City, Michigan and Houston, Texas.

##### SEC. 106. OIL SPILL TRAINING SIMULATORS.

Of the amounts authorized to be appropriated for acquisition, construction, rebuilding, and improvement that are derived from the Oil Spill Liability Trust Fund in Fiscal Year 1993, the Secretary of Transportation shall make available—

(1) \$1,250,000 to the Texas Center for Marine Training and Safety at Galveston, Texas, for the purchase of a marine oil spill management simulator; and

(2) \$1,250,000 to the Massachusetts Center for Marine Environmental Protection, located at Buzzards Bay, Massachusetts, for the purchase of a marine oil spill management simulator.

##### SEC. 107. DESIGNATION OF THE FLORIDA AVENUE BRIDGE AS AN UNREASONABLE OBSTRUCTION TO NAVIGATION.

Notwithstanding another law, the Florida Avenue Bridge, which is located 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana, is deemed to be an unreasonable obstruction to navigation.

##### SEC. 108. DESIGNATION OF THE CHELSEA STREET BRIDGE AS AN UNREASONABLE OBSTRUCTION TO NAVIGATION.

Notwithstanding another law, the Chelsea Street Bridge, which is located at mile 1.2 on the Chelsea River (Creek), in Chelsea, Massachusetts, is deemed to be an unreasonable obstruction to navigation.

##### SEC. 109. PROCUREMENT OF BUOY CHAIN.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

##### "§96. Procurement of buoy chain

"(a) The Coast Guard may not procure buoy chain unless—

"(1) it is manufactured in the United States; or

"(2) substantially all of its components are produced or manufactured in the United States.

"(b) For purposes of subsection (a)(2), substantially all of the components of a buoy chain are deemed to be produced or manufactured in the United States if the aggregate cost of the components that are produced or manufactured in the United States is greater than the aggregate cost of the components that are produced or manufactured outside the United States.

"(c) In this section—



"(1) 'buoy chain' means any chain, cable, or other device that is—

"(A) used to hold in place, by attachment to the bottom of a body of water, a floating aid to navigation; and

"(B) not more than four inches in diameter; and

"(2) 'manufacture' includes cutting, heat treating, quality control, welding (including the forging and shot blasting process), and testing."

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"96. Procurement of buoy chain."

#### **SEC. 110. TRANSFER OF AMOUNTS FOR STATE BOATING SAFETY PROGRAMS.**

Section 4 of the Act of August 9, 1950 (16 U.S.C. 777c; popularly known as the "Dingell-Johnson Sport Fish Restoration Act"), is amended—

(1) by inserting "distribution, and transfer" in the third sentence after "deduction,"; and

(2) by inserting after the second sentence the following: "Of annual appropriations allocated under section 3, \$10,000,000 for fiscal year 1993, \$15,000,000 for fiscal years 1994 and 1995, and \$20,000,000 for each fiscal year thereafter, shall be expended for State recreational boating safety programs under section 13106(a)(1) of title 46, United States Code."

#### **TITLE II—BOATING SAFETY**

#### **SEC. 201. INCREASED PENALTIES FOR OPERATING A VESSEL WHILE INTOXICATED.**

Section 2302(c)(1) of title 46, United States Code, is amended by striking "\$1,000;" and inserting "\$1,000 for a first violation and not more than \$5,000 for a subsequent violation;"

#### **SEC. 202. FUTURE BOATERS EDUCATION PROGRAM.**

Not later than six months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a plan to increase the availability of voluntary safe boating education to individuals sixteen years of age or younger. In developing the plan, the Secretary shall consider using the resources of the Coast Guard Auxiliary to provide boating education to the greatest extent possible.

#### **SEC. 203. COAST GUARD AUXILIARY MISSION REPORT.**

Not later than six months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a report on ways to enlarge the mission of the Coast Guard Auxiliary and to increase Auxiliary participation in Coast Guard programs and activities.

#### **SEC. 204. LAW ENFORCEMENT COORDINATION DEMONSTRATION PROJECT.**

Not later than two months after the date of enactment of this Act, the Secretary of Transportation shall conduct a demonstration project in the Ninth Coast Guard District in conjunction with other appropriate officials of Federal, State, and local government agencies, to increase coordination of enforcement of boating laws and regulations.

#### **TITLE III—MISCELLANEOUS**

#### **SEC. 301. STATE MARITIME ACADEMY VESSEL INSPECTION FEE RELIEF.**

Section 2110 of title 46, United States Code, is amended by adding at the end of the following: "(j) Effective October 1, 1992, the Secretary may not establish or collect a fee or charge for the inspection under part B of this subtitle for

training ships operated by State maritime academies."

#### **SEC. 302. AUTHORITY FOR THE COAST GUARD TO INSPECT AND WITHHOLD THE DOCUMENTS OF CERTAIN FOREIGN PASSENGER VESSELS.**

(a) Section 3303(a) title 46, United States Code, is amended in the first sentence by—

(1) striking "only"; and

(2) striking "the condition of the vessel's propulsion and lifesaving equipment are" and inserting "the condition of the vessel is".

(b) Section 3505 of title 46, United States Code, is amended by striking "or domestic vessel of more than 100 gross tons having berth or state-room accommodations for at least 50 passengers" and inserting "vessel".

#### **SEC. 303. STUDY OF THE APPLICATION OF TILTROTOR AIRCRAFT TECHNOLOGY TO COAST GUARD MISSIONS.**

(a) Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall submit a study to congress on the application of the V-22 Osprey tiltrotor technology to Coast Guard missions.

(b) In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the application of tiltrotor technology to Coast Guard missions including—

(A) search and rescue at sea; and

(B) the enforcement of laws of the United States especially with respect to drug interdiction;

(2) determine whether use of the technology in the Coast Guard marine environmental protection program would minimize the damage caused by oil or hazardous substances spills in the waters of the United States; and

(3) determine what effect the technology would have on Coast Guard manpower and operating costs, compared to those costs associated with technology currently used by the Coast Guard.

#### **SEC. 304. ENFORCEMENT AGREEMENTS.**

The Coast Guard and the Department of Commerce shall enter into a Memorandum of Agreement regarding fisheries enforcement practices and procedures that provide at a minimum for the opportunity, if timely requested, to appear in person to respond to charges of violation of law or regulation when the opportunity for a hearing is granted by statute. The Memorandum of Agreement shall also provide that all enforcement procedures shall be fair and consistently applied.

#### **SEC. 305. RADAR BEACON AID-TO-NAVIGATION FOR THE ECKHOLMS ISLANDS.**

Not later than ninety days after enactment of this Act, the Secretary of Transportation shall install a radar beacon aid-to-navigation at the Eckholms Islands, near Sitka, Alaska.

#### **SEC. 306. AUTHORIZING PAYMENT TO CERTAIN SUBCONTRACTORS.**

(a) Not later than sixty days after the date of enactment of this Act, the Secretary of Transportation shall determine whether the Coast Guard failed to investigate the adequacy, availability, and financial soundness of the security for payment to subcontractors under Coast Guard contract DTCG50-87-C-00096, notwithstanding any law or regulation in effect at the time the contract was made.

(b) If the Secretary determines that the Coast Guard failed to investigate as provided in subsection (a) of this section, the Secretary shall—

(1) not later than one hundred and eighty days after the date of enactment of this Act, determine the amounts that MZP, Incorporated owes to all subcontractors that performed work or supplied materials under the contract; and

(2) not later than sixty days after making that determination, the Secretary shall pay the subcontractors out of amounts authorized to be appropriated under this Act.

(c) The Secretary shall conduct investigations and interviews under this section in Ketchikan, Alaska.

#### **SEC. 307. STUDY OF THE APPLICATION OF NIGHT VISION AND THERMAL IMAGING TECHNOLOGY TO COAST GUARD MISSIONS.**

(a) Not later than six months after the date of enactment of this Act, the Secretary of Transportation shall submit a study to Congress on the application of the Driver's Thermal Viewer (DTV) to Coast Guard missions.

(b) In conducting the study required under subsection (a), the Secretary shall—

(1) evaluate the applications of the Driver's Thermal Viewer to Coast Guard missions on Coast Guard utility boats and motor lifeboats including—

(A) search and rescue at sea;

(B) the enforcement of laws of the United States, especially with respect to drug interdiction; and

(C) marine environmental protection; and

(2) determine what effect implementing the technology would have on Coast Guard operating costs and manpower.

AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUZIN: At the end of the bill add the following new section:

#### **SEC. . COAST GUARD BAND DIRECTOR.**

Section 336 of title 14, United States Code, is amended in subsection (d) by striking "lieutenant".

Mr. TAUZIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Chairman, the amendment simply allows the Coast Guard the flexibility it needs to promote the Coast Guard band director from the rank of lieutenant commander to the rank of commander.

The Coast Guard has requested that I offer this amendment for three reasons. First, the statute currently limits the rank to lieutenant commander.

Second, the Coast Guard director has the years and service required otherwise to make him eligible for promotion to commander.

Third, the other services do allow and currently permit the promotion of their directors to the rank of captain or colonel.

For those reasons, Mr. Chairman, I offer the amendment. It is non-controversial in nature, technical in real nature, and offered at the request of the U.S. Coast Guard, and I would move adoption of the amendment.

Mr. FIELDS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in strong support of this amendment offered by my distinguished subcommittee chairman, BILLY TAUZIN, to increase the service rank for the Coast Guard's band director.

While this may seem like a trivial matter, in recent years, the Coast

Guard's band has gained international recognition for its superb performance. In fact, the band has recently received an invitation to perform at the Lincoln Center in New York City.

Under current law, the director of the Coast Guard band is the lieutenant commander, which is a rank considerably less than any of the other branches of the U.S. military service.

This law has not been changed since its inception in 1965, despite the fact that the roles and responsibilities of the Coast Guard band have greatly increased. What was once a small command band that performed at local functions has now evolved into a band that routinely tours throughout the country. It is also a band that has been recognized as one of our finest.

Mr. Chairman, this law should be changed and the Coast Guard's band director should be able to attain the rank of commander. By so doing, it will make the director's rank comparable to that of their counterparts in the other armed services' bands and it will provide this position with the recognition which it deserves.

Mr. Chairman, I urge the adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The amendment was agreed to.

□ 1520

#### AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUZIN: At the end of the bill add the following new section:

#### SEC. . COASTWISE LAWS.—

##### (a) DREDGES.—

(1) IN GENERAL.—Section 1 of the Act of May 28, 1906 (46 App. U.S.C. 292) is amended to read as follows:

#### SECTION 1. VESSELS THAT MAY ENGAGE IN DREDGING

"(a) IN GENERAL.—Except as provided in subsection (b), a vessel may engage in dredging in the navigable waters of the United States or the Exclusive Economic Zone only if—

"(1) for a vessel that is at least 5 net tons—

"(A) the vessel is documented under chapter 121 of title 46, United States Code, with a coastwise endorsement; and

"(B) if chartered, the charterer of the vessel is a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802) for purpose of engaging in the coastwise trade; or

"(2) for a vessel that is less than 5 net tons—

"(A) the vessel was built in the United States; and

"(B) the owner and, if chartered, the charterer of the vessel is a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802) for purpose of engaging in the coastwise trade.

"(b) EXCEPTION.—A documented vessel with a registry endorsement may engage in the dredging of gold in Alaska.

"(c) PENALTY.—When a vessel is operated in knowing violation of this section, that

vessel and its equipment are liable to seizure by and forfeiture to the United States Government."

(2) EXCEPTION.—The amendment made by paragraph (1) does not apply to—

(A)(i) the vessel STUYVESANT, official number 648540;

(ii) any other hopper dredging vessel documented under chapter 121 of title 46, United States Code before the effective date of this Act and chartered to Stuyvesant Dredging Company or to an entity in which it has an ownership interest; however, this exception expires on December 3, 2022 or when the vessel STUYVESANT ceases to be documented under chapter 121, whichever first occurs; and

(iii) any other non-hopper dredging vessel documented under chapter 121 and chartered to Stuyvesant Dredging Company or to an entity in which it has an ownership interest, as is necessary (a) to fulfill dredging obligations under a specific contract, including any extension periods; or (b) as temporary replacement capacity for a vessel which has become disabled but only for so long as the disability shall last and until the vessel is in a position to fully resume dredging operations; however, this exception expires on December 8, 2022 or when the vessel STUYVESANT ceases to be documented under chapter 121, whichever first occurs;

(B) the vessel COLUMBUS, official number 590658, except that the vessel's certificate of documentation shall be endorsed to prohibit the vessel from engaging in the transportation of merchandise (except valueless material), including dredge material of value, between places within the navigable waters of the United States; or

(C) a vessel that is engaged in dredged material excavation if that excavation is not more than a minority of the total cost of the construction contract in which the excavation is a single, integral part, and the vessel is—

(i) built in the United States;

(ii) a non-self-propelled mechanical clamshell dredging vessel; and

(iii) owned or chartered by a corporation that had on file with the Secretary of Transportation, on August 1, 1989, the certificate specified in section 27A of the Merchant Marine Act, 1920 (46 App. U.S.C. 883-1).

(b) GOVERNMENT MERCHANDISE.—Section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) is amended by striking "merchandise" in the first sentence and inserting "merchandise, including merchandise owned by the United States Government, a State (as defined in section 2101 of title 46, United States Code), or a subdivision of a State,".

(c) GRANDFATHER PROVISION.—Public Law 100-329 does not apply to a vessel—

(1) engaged in the transportation of valueless material or valueless dredged material; and

(2) owned or chartered by a corporation that had on file with the Secretary of Transportation on August 1, 1989, the certificate specified in section 27A of the Merchant Marine Act, 1920 (46 App. U.S.C. 883-1).

Mr. TAUZIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Chairman, the Coast Guard regulated and documented dredges are not subject to the same re-

quirement as other aspects of the maritime industry.

Today I am offering an amendment which will secure safety for domestic hopper dredges by requiring that any future entrants into the industry be domestically built and U.S. citizen owned.

This amendment will make all domestically operated dredges subject to the same documentation and ownership requirements as other vessels under the coastwise trade laws.

Mr. Chairman, this amendment would close loopholes in the Federal law. It has been written in cooperation with the U.S. dredging operators and grandfathers existing foreign-owned fleets.

Dredges are a major part of the safety of our maritime industry. Its continued existence under the U.S. flag is very important.

All new entrants under this amendment into the market will be required to be U.S. built, U.S. crewed, and U.S. owned, thus guaranteeing the continued safety in our Nation's waterways of those operations.

I present for the record a position paper issued by the Committee on Merchant Marine and Fisheries for the support of the amendment at this point in the RECORD.

Mr. Chairman, this amendment, as I indicated, is technical, closes loopholes, and I urge my colleagues' support and move its adoption.

#### DREDGES AND COASTWISE TRADE

Section 1 of the Act of May 28, 1906 (46 App. U.S.C. 292), commonly referred to as the Foreign Dredge Act, states:

A foreign-built dredge shall not, under penalty of forfeiture, engage in dredging in the United States unless documented as a vessel of the United States.

An opinion issued by the Attorney General on August 7, 1963 (42 Op. A.G. 189) that was based on the Foreign Dredge Act stated:

Dredging performed by or from vessels on navigable waters is maritime trade, and is coasting or coastwise trade when performed in domestic navigable waters.

This opinion by the Attorney General has largely been ignored when determining the application of the coastwise trade laws to dredging activities. However, section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), commonly referred to as the Jones Act, requires vessels that transport merchandise, including dredged material, in the coastwise trade to be built in the United States, owned by a corporation in which 75 percent of stockholders are U.S. citizens, and documented under chapter 121 of title 46, United States Code with a coastwise endorsement.

Many vessels engaged in dredging are also engaged in the transportation of dredged material; therefore, they must meet the Jones Act requirements. However, some dredges—such as hydraulic pipeline and clamshell—may be under



foreign ownership or control since they do not transport dredged material.

This amendment to the Foreign Dredge Act requires all dredges to meet the same requirements as those engaged in the coastwise trade and to bring the statute into conformance with the Attorney General's 1963 decision. In addition, if the dredge is chartered under a time voyage or demise charter, the charterer of the vessel also must meet the citizenship requirements under section 2 of the Shipping Act, 1916—46 App. U.S.C. 802—which means that 75 percent of stockholders must be U.S. citizens. The purpose of this restriction is to ensure that these vessels are always under the control of U.S. citizens.

New subsection (b) of the Foreign Dredge Act allows vessels only have a certificate of documentation with a registry endorsement to engage in dredging for gold in waters of the State of Alaska. Under this exception, the vessel may be foreign built and does not have to meet the ownership requirements of section 2 of the Shipping Act, 1916.

The amendment also includes a grandfather clause to protect existing dredging operations that are affected by the change in law.

As previously discussed, the Jones Act requires vessels transporting merchandise between two points in the United States—the coastwise trade—to be built in the United States, owned by U.S. citizens, and documented under chapter 121 of title 46, United States Code with a coastwise endorsement.

However, the Customs Service has ruled that the Jones Act does not apply to the transportation of Government-owned merchandise since the penalty under the Jones Act is forfeiture of the merchandise. Since Government property cannot be forfeited, Customs believes that the Act does not apply to Government-owned merchandise. The committee strongly disagrees with this statutory interpretation. To use a penalty provision as a basis for interpreting the substantive requirements of the law is backward reasoning.

This amendment also clarifies the intent of Congress that the Jones Act applies to the transportation of merchandise owned by the U.S. Government, a State, or a subdivision of a State. Mr. Robert H. Moore, the Director for Transportation Policy, Office of the Assistant Secretary of Defense—Production and Logistics—testified before the Subcommittee on Merchant Marine on April 23, 1991 that:

We need an adequate and reliable U.S.-flag merchant marine to move the majority of our material sustainment requirements. . . . We need trained and readily available civilian mariners to fill the short-fused emerging requirements for U.S.-flag and RRF manning.

General Hansford T. Johnson, USAF, the Commander-in-Chief of the United

States Transportation Command, stated that "The solution to our future sealift capability as a nation, however, must also include efforts to improve the U.S. merchant marine."

The committee believes that the Government should support the U.S. merchant marine through the Jones Act in the same manner as the private sector is required to use this law when transporting property in the coastwise trade.

Mr. FIELDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have reviewed the amendment offered by my distinguished subcommittee chairman and I support its adoption.

The purpose of this amendment is twofold. First, it closes a loophole in our cabotage laws which allows foreign-owned barges to participate in our coastwise trade as long as they do not transport dredge materials.

And, second, it overturns a ruling by the U.S. Customs Service which stipulates that property of the U.S. Government is not merchandise for purposes of the Merchant Marine Act. As a result of this ruling, foreign-owned vessels are transporting Government-owned dredge materials from one U.S. port to another.

Mr. Chairman, clearly these two practices are violations of the letter and spirit of the Merchant Marine Act of 1920. This statute, which is better known as the Jones Act, is the foundation of our maritime law and it clearly states that cargo in the domestic or coastwise commerce of the United States is reserved to vessels built in and documented under the laws of the United States and owned by U.S. citizens.

This amendment, which is the product of careful negotiations among all interested parties, will help to restore the fundamental purpose of the Jones Act and it will ensure that these onerous interpretations are eliminated.

Finally, this amendment is strongly supported by the American Waterways Operators Association and by our Nation's maritime labor unions.

I urge the adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Goss: At the end of the bill, add the following new section:

SEC. . ACCEPTANCE OF EVIDENCE OF PAYMENT OF COAST GUARD FEES.

The Secretary of Transportation may not issue a citation for failure to pay a fee or charge established under section 2110 of title 46, United States Code, to an owner or operator of a recreational vessel who provides reasonable evidence of prior payment of the fee or charge to a Coast Guard boarding officer.

Mr. GOSS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GOSS. Mr. Chairman, what we have got here is a somewhat minor problem somewhat corrected, but we have not completely corrected it. We want to provide relief to America's boaters who are being subjected to this very onerous problem of having to buy this decal fee to put on their recreational boats. Even though we have a better solution for the decal fee problem in the mill, we have got an administrative problem here. This amendment simply seeks to suggest that anybody who can provide reasonable evidence of a prior payment through a Coast Guard boarding officer should be excused from any citation for not showing a decal on his or her vessel. It is that simple. I do not believe there is anything contentious or controversial about it. It should be user friendly. It should make certainly the Coast Guard happy. It certainly should make the consumer happy. Perhaps there will be court officers or administrative officers who will have less to do, and I think that, frankly, will make them happy also.

The long and the short of it is that when we get through, if we adopt this amendment, we will allow common sense to prevail. If somebody has taken the proper steps to get this decal and can prove that, they will be excused from the onerous proceedings of an administrative hearing, having to prove their innocence and being excused from the liability of up to \$5,000 fine.

Mr. TAUZIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like nothing better for this amendment to read as something different. I would like nothing better than this amendment to say that those so-called Coast Guard user fees, those so-called fees that this Congress has, in essence, assessed against the recreational boaters of America for the simple purpose of raising money for the general treasury, would be repealed today. I would love to have such an amendment made in order.

Mr. Chairman, unfortunately, because of the rules of the House, the budget agreement that we are operating under, if an amendment to repeal those fees was offered today, it would be subject to a point of order. The chairman of the Committee on Budget would be obliged to make that point of order. The Chair would be obliged to rule that such an amendment would be out of order.

We do not have that opportunity today, but I wish we could.

I think the great majority of the Members of this House wish we could also.

Before this process is through, before the process of this bill going to a conference committee and the conference committee meeting with the Senate and us having a chance to maybe cure those budget agreement problems, those technical and procedural problems, we may yet have a chance to present to this floor a vote on whether or not you want to repeal this so-called user fee, which is nothing more than a nuisance tax.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the comments made by the gentleman from Louisiana. I want to congratulate the gentleman from Louisiana [Mr. TAUZIN], and the gentleman from North Carolina [Mr. JONES], the gentleman from Texas [Mr. FIELDS], and others on this committee for the leadership they have shown in trying to get this issue before the Congress to a vote so that we can in fact repeal a tax which is a general tax, not a user fee as the gentleman so well points out, which has proven so onerous and to have had such an adverse impact.

I am hopeful, with the gentleman's leadership, and the assistance of the gentleman from Texas [Mr. FIELDS], and others, that we will see that tax repealed, certainly within the near future. I assure the subcommittee chairman that I am going to be a strong ally of his when we try to do that.

Mr. Chairman, I am aware of the rule to which the gentleman refers. It is a very important rule that we have. The committee cares deeply about its jurisdiction. I understand that.

But this is something that we ought to move forward on. The chairman is absolutely right.

Mr. TAUZIN. I thank the gentleman for his comments, and I join him and so many others in the House, particularly the gentleman from Michigan [Mr. DAVIS] on the Republican side, who has been so instrumental in trying to bring this issue to a vote on the House floor.

That day is coming. Some day, somehow, despite our procedural barrier, we will have a vote on it. In the meantime, the gentleman's amendment—I understand Mr. DAVIS had a lot to do in drafting it and working with the gentleman from Florida. It is essential that we pass it.

What this amendment does is simply say to the boating public, who has paid this fee, this tax that has been assessed against him, and has not yet gotten a decal to prove to the Coast Guard that they have paid the tax and they will be given a chance to submit other evidence that they are in fact complying with the law, before they get cited and hauled off to jail for not paying his decal fee.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. I thank the gentleman for yielding.

Mr. Chairman, I neglected to say something very important in my opening remarks. And that is that I am poaching on Mr. DAVIS' amendment here. We all know this is Mr. DAVIS' amendment. He could not be here to do it. In my enthusiasm to get it before the House, to get it moved forward, I failed to say that. The gentleman from Louisiana has brought it to my attention. Mr. DAVIS indeed deserves the credit.

Mr. TAUZIN. I thank the gentleman for his comments.

Let me say that this has been a nightmare for the Coast Guard.

Mr. Chairman, we held hearings on this so-called user-fee tax sometime ago at the subcommittee level, and what we learned was that the cost of collecting it is going to be more than the money we raise for the U.S. Treasury as a result of imposing this fee on the American boating public.

Let me say it again; The cost of collecting it, with all of the aggravation, with all the time and attention and the cost of operating U.S. Coast Guard equipment, the time of personnel, the contracts that have been let to outside agencies to educate the public on what is required of them, the entire cost of this operation will far exceed the revenues to the Federal treasury. That alone ought to be enough to convince people of the commonsense mind that we ought to repeal the doggone thing.

If we are not going to realize any net revenue to the Government and all we are doing is aggravating the dickens out of the boating public of America and costing the Coast Guard, costing the Coast Guard in valuable resources that it ought to be using for search and rescue, drug interdiction, and all the other good things that it does, we ought to repeal that thing. The faster we can get to that, the happier I will be, and the happier most Members of this Congress will be.

In the meantime, this amendment is critical to insure that people who have complied with this dastardly law have a chance to prove it to the Coast Guard before they are hauled off to jail because somebody has not mailed them the decal. I think we had better adopt this amendment right now.

Mr. FIELDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Goss amendment to H.R. 5055. The gentleman worked diligently with the gentleman from Michigan [Mr. DAVIS].

During the past 2 years, we have all received correspondence from a number of our constituents complaining about

the enforcement of the recreational boat fee.

Currently, in order to obtain a decal, a boater calls a toll-free number in Des Moines, IA, pays the appropriate fee, and then waits for the decal to arrive.

What is happening is that boaters, who have paid the fee but have yet to receive their decal, are being cited by the Coast Guard for failure to comply with the recreational boat fee law.

Mr. Chairman, it is my firm belief that if a taxpayer pays this onerous fee, they should not be subjected to a civil penalty of up to \$5,000.

The purpose of the Goss amendment is to direct the Coast Guard not to cite or fine those boaters who can provide reasonable evidence that they have already paid their recreational boat fees. It seems to me that this could be easily accomplished by having the Coast Guard's subcontractor in Iowa, a company known as Neodata, simply provide the boater with an identification number. Upon being stopped, the boater could provide the Coast Guard with that identification number and, therefore, avoid any further prosecution.

Mr. Chairman, while this is a good amendment and a step in the right direction, the ultimate solution is to remove this burden on 4.1 million Americans by repealing the recreational boat fee. You can be assured that I remain committed to achieving that goal this year.

□ 1530

Mr. Chairman, again I applaud the gentleman from Florida [Mr. GOSS, for this amendment, and I also want to state that he worked very closely with the gentleman from Michigan [Mr. DAVIS] in drafting this amendment.

Mr. McMILLEN of Maryland. Mr. Chairman, I rise in strong support of the Goss amendment. This amendment ensures that previous policy stays in effect, and that simple courtesy is extended to the boating public.

We all know what a fiasco the boat user fee has been, and how inefficient the distribution system has been. My office has received dozens upon dozens of complaints, ranging from 45-minute waits to purchase a decal, to unresponsive Coast Guard officials.

I have had constituents who have actually purchased the decal, but had to wait 3 to 4 weeks before putting their boat in the water because the decal had not arrived. Furthermore, one constituent who was checking up on his order was told that there was no way for the Coast Guard to determine the status of that order. He just had to wait.

While I was happy to see the user fee repealed earlier this year—and I commend the sponsor of this amendment for all his work in helping to get the fee repealed—we still face another boating season where our constituents are going to have to pay another tax for the right to operate their boats.

This amendment will help avoid the worst of the aforementioned problems, and, most importantly, will avoid adding insult to injury.

When the fee was first enacted, the Coast Guard's informal policy was to allow boaters



an opportunity to prove that they had purchased the decal. This amendment simply formalizes this policy. If one has purchased the decal, but has not received it, he or she should not be penalized for the inefficiency of the distribution system. This is common courtesy, nothing more.

Mr. Chairman, I urge the adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOYER:

At the end of the bill add the following new section:

**SEC. . SCHEDULE FOR OPERATION OF DRAWBRIDGE OF WOODROW WILSON MEMORIAL BRIDGE.**

**(a) COMMERCIAL VESSELS.—**

(1) RESTRICTIONS ON HOURS OF OPERATION.—The Secretary of the department in which the Coast Guard is operating (in this section referred to as the "Secretary") shall not operate the drawbridge of the Woodrow Wilson Memorial Bridge in the following periods for the passage of a commercial vessel:

(A) Monday through Friday (except Federal holidays), 5:00 a.m. to 10:00 a.m. and 2:00 p.m. to 8:00 p.m.

(B) Saturday, Sunday, and Federal holidays, 2:00 p.m. to 7:00 p.m.

(2) NOTICE REQUIRED.—The Secretary shall not operate the drawbridge of the Woodrow Wilson Memorial Bridge for the passage of a commercial vessel unless—

(A) the owner or operator of the vessel notifies the Secretary of the time that the vessel will pass the bridge, by not later than 24 hours before that time; and

(B) the vessel passes the bridge in the 2-hour period beginning 1 hour before that time.

**(b) RECREATIONAL VESSELS.—**

(1) RESTRICTIONS ON HOURS OF OPERATION.—The Secretary shall not operate the drawbridge of the Woodrow Wilson Memorial Bridge in the following periods for the passage of a recreational vessel:

(A) Monday through Friday (except Federal holidays), 5:00 a.m. to 12:00 midnight.

(B) Saturday, Sunday, and Federal holidays, 7:00 a.m. to 12:00 midnight, except as provided in paragraph (2).

(2) SPECIAL OPERATION.—Notwithstanding paragraph (1)(B), the Secretary may operate the drawbridge of the Woodrow Wilson Memorial Bridge beginning at 10:00 p.m. on Saturday, Sunday, or a Federal holiday for the passage of a recreational vessel, if the owner or operator of the vessel notifies the Secretary of the time of that passage by not later than 12 hours before that time.

(3) PASSAGE DURING OTHER OPENINGS NOT PROHIBITED.—This subsection shall not be considered to prohibit a recreational vessel from passing the Wilson Memorial Bridge at any time at which the drawbridge is being operated for the passage of a commercial vessel.

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, for purposes of a brief colloquy I yield to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER], and I appreciate his accommodating me because I have to leave the floor very shortly. I just want to get this question in prior to the gentleman explaining his amendment.

Mr. Chairman, I just want the gentleman to assure us that he will work with me and others in conference to be sure that the provision regarding advanced notice, the advanced notice requirement of commercial vessels, is practical and reasonable.

Mr. HOYER. Mr. Chairman, I want to assure the gentleman from North Carolina [Mr. COBLE], my good friend, that we intend to work between now and conference and in conference to accomplish the objectives that, in fact, the provisions provided are practical and can be implemented.

Mr. COBLE. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I want to thank the chairman of the subcommittee, the gentleman from Louisiana [Mr. TAUZIN], and the full committee chairman, the gentleman from North Carolina [Mr. JONES], for their assistance on this issue. I also want to thank the distinguished gentleman from Texas [Mr. FIELDS] who has worked with us, not necessarily in support of the amendment, but has been very open on this amendment, and I appreciate that. He is a fine Member of this House.

Mr. Chairman, I offer this amendment on behalf of myself, the gentleman from Virginia [Mr. WOLF], the gentlewoman from Maryland [Mrs. MORELLA], the gentleman from Maryland [Mr. GILCHREST], the gentleman from Virginia [Mr. MORAN], the gentleman from Maryland [Mr. McMILLEN], and the gentlewoman from the District of Columbia [Ms. NORTON].

Mr. Chairman, as many Members of this House know well, the Woodrow Wilson Bridge is a terrible chokepoint not only for the Washington area's beltway, but for the main north-south highway in the east, I-95. Worsening this chokepoint is the fact that this bridge is a drawbridge—and when it is up, traffic on this major interstate comes to a complete standstill.

When the bridge is raised during rush hour, traffic backs up over 2.5 miles, and when it is finally lowered, usually after 10 minutes, it takes over 3 hours for traffic flows to return to normal. In 1990, however, the bridge was stuck upon in June and July for over an hour after it was raised for one sailboat, and traffic backed up for over 10 miles in either direction—bringing the entire Washington region and thousands of very overheated drivers, into absolute gridlock.

The problem is, of course, very complicated. But the bottom line is that the bridge was designed to carry 75,000 vehicles per day and it now carries over 165,000 vehicles every day. And by the year 2,000 this traffic will grow to over 244,000 vehicles per day, well over three times the rated capacity of this bridge.

It is critical, therefore, that some action be taken to minimize disruption to this traffic flow while still preserving both commercial and recreational uses of the Potomac River.

In an effort to strike a fair balance among all involved parties, offices from Maryland, Virginia, and the District have been working with the Coast Guard, the business community, and representatives of the traveling and boating public. We have developed a schedule that Members of both parties from every jurisdiction from around the region have agreed upon. And Mr. Chairman, if the true test of a good deal is that no one is absolutely happy, nor very unhappy, then this amendment truly meets that test. The bottom line is that this amendment strikes a fair balance that attempts to meet everyone's concerns.

This amendment continues to allow midday openings for commercial vehicles but restricts those openings during the most heavily traveled hours. It would require recreational boats to pass through the bridge at nighttime on weekdays, unless the bridge is opened for a commercial vessel. And it would require 24-hour notice so adequate notice could be given to both motorists and boaters of scheduled openings.

Mr. Chairman, this schedule has been endorsed by the Transportation Planning Board of the Metropolitan Washington Council of Governments, the Greater Washington Board of Trade, AAA, State and local transportation departments, and many, many others.

Mr. Chairman, this amendment is necessary because the Coast Guard in the region has been unable to agree. We believe the Coast Guard has not properly recognized the absolute disaster that raising this bridge can create for this area's economy. The costs and inconvenience caused to motorists are totally out of proportion to the benefit of allowing one recreational boat to raise the bridge during the day. The position of this gentleman, and from the officials of this region, is that it is simply an unacceptable position to continue this practice.

Mr. Chairman, let me close on a very serious note. We are not only talking economic loss by delays to traffic and commerce and frustration to thousands of motorists. Six months ago a woman sat in her car waiting for the bridge to be lowered so that she might continue on her way. As a truck came around the corner on the Virginia side of the Beltway, not expecting traffic at a dead stop on a major interstate, it

crashed into this woman's car, taking her life and creating havoc on the bridge. Accident, after accident, after accident occurs on this span, and they and their threat to human life is not necessary. This amendment proves that. I urge its adoption by this House and thank the chairman for his advice and counsel.

Mr. Chairman, I also want to thank the gentleman from North Carolina [Mr. JONES], the chairman of the Committee on Merchant Marine and Fisheries, as I said earlier, for this consideration with respect to this amendment and his support of this amendment.

Mr. TAUZIN. Mr. Chairman, I rise in support of the amendment from the gentleman from Maryland [Mr. HOYER].

Mr. Chairman, I commend the delegation from the State of Maryland and those from Virginia who have joined together in support of the draft of this legislation. The opposition, where there is any, comes from one group of mariners, those recreational mariners who would like the bridge to open during the daylight hours so they might move their recreational vehicles.

Let us keep in mind we are not talking about little fishing boats. We are talking about what we call in Cajun country "yachies." They are big yachts, those big yachts that are operated by folks who can, in fact, check with the notice to mariners, can in fact look at the notices put out by the Coast Guard when the 24-hour notice is given by the commercial operators, and they can tag along with the commercial operators when the bridge is open with advanced notice behind the commercial vessel.

So, Mr. Chairman, for the most part the objections of the few large yacht owners who want to traverse that checkpoint during the daylight hours, I think the amendment is drafted in such a way that, if they want to take advantage of the information provided under the 24-hour notice, those yacht owners can proceed during those openings permitted for commercial operators by tagging along behind those commercial operators.

I would suggest that perhaps between now and the full conference we can clarify those provisions, as the gentleman earlier pointed out, so that we can make sure that that is clear to those yacht owners that they are not in any way disenfranchised of their rights to move through the channel, but nevertheless have that right protected as they might tail along a commercial operator.

Finally, Mr. Chairman, let me point out that the gentleman raise an extraordinarily serious concern. I, like many of my colleagues who serve in the Congress, have been caught in those traffic jams, and my colleagues know what they mean in terms of personal frustration. But there are also

the personal tragedies for people who might need to move across the bridge for emergency medical assistance, the accidents, the damage that is caused by these, the environmental problems of these vessels, 2½-mile long lines of vessel or cars running, rather their engines idling, polluting the atmosphere of this region as they wait to cross the bridge.

□ 1540

The problems, as I pointed out, with this conflict between the vehicular traffic and the mariners ought to end and we ought to have a resolution that is acceptable to both sides. I believe this amendment goes along with finding it.

Mr. Chairman, I give my commendations to those Members who represent the two affected States and the regions. On behalf of the subcommittee, although the Coast Guard still has some objection, I rise in support of the amendment, and hope between now and then we can work out those final objections and assure all parties their rights are going to be respected.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join in a bipartisan effort to bring safety and common sense to the debate on the openings of the Woodrow Wilson Bridge drawspan. The frequent opening of the bridge is a regional problem, which many in this Chamber have also experienced since all Members and staff are Washington area residents pro tempore.

The bridge was opened in 1961 and carried 19,000 vehicles daily. Today the bridge carries 165,000 vehicles a day—its capacity is 75,000. In 20 years, the number is projected to be 244,000 vehicles a day. If the drawspan never opened, this bridge would still have serious traffic congestion problems. It is one of the most heavily traveled links on the Interstate Highway System along the eastern seaboard.

Since the summer of 1990, the Coast Guard, State highway officials, members of the area congressional delegation, AAA Potomac, and representatives of the commercial and recreational boating community have been proposing various drawbridge opening schedules. We have worked to create a workable schedule for openings. Commercial vessels have a total of 13 hours a day to request a drawbridge opening on weekdays. On weekends and holidays, the number of hours jumps to 19. The recreational boater has less time, but any boat can go through the drawspan with commercial vessels, which have given a 24-hour notice.

The hours of midnight to 5 a.m. on weekdays and midnight to 7 a.m. on weekends can be inconvenient hours for recreational boaters. But common sense demands that one sailboat be pre-

vented from causing the terrific congestion of June and July 1990 when on two occasions the drawspan stuck in an open position for more than an hour on each day and traffic piled up in both directions on Interstate 95 and on the approaches to I-95 in both Maryland and Virginia. An inventory of all marinas north of the bridge revealed that there are 68 sailboats which warrant the opening of the existing drawspan. There were 260 sailboat openings between July 1989 and June 1990, which accounted for two-thirds of the drawspan openings. The vast number of pleasure boats get under the bridge without requiring an opening.

Mr. Chairman, my colleagues will argue that this is a safety issue. And I agree. It is a matter of traffic safety for the estimated 58 million vehicles which pass over the bridge annually. I would support additional lighting or other safety measures to assist recreational boaters sailing under the drawspan at night. The Maryland and Virginia Departments of Transportation state:

The only time of day that bridge openings do not have a major disruptive impact is during the middle of the night.

Mr. Chairman, the schedule that this amendment presents has been endorsed by the transportation planning board of the Metropolitan Washington Council of Governments, the Greater Washington Board of Trade, AAA-Potomac, and State and local transportation departments. I urge the House's support for this critical proposal.

Mr. MORAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today marks the culmination of over 20 years of effort on the part of the congressional delegations, State officials, Federal officials, and people directly affected by the Woodrow Wilson Bridge.

This bridge was built in the early 1960's to handle 75,000 vehicles. Today it is handling more than twice that number. By the end of the decade it will be handling more than three times that number.

Mr. Chairman, it was never intended to. In fact, Interstate 95 was intended to go through the District of Columbia. Those plans were changed after the Wilson Bridge was built. So now all of that interstate traffic is diverted across the Wilson Bridge.

You have eight lanes on the Capitol Beltway having to merge into six lanes on the Wilson Bridge. That is why I thank the gentleman from Maryland [Mr. HOYER], as well as the congressional delegations from Maryland, the District of Columbia, and Virginia, for their bipartisan support of this legislation, and particularly our chairman, the gentleman from North Carolina [Mr. JONES], and the subcommittee chairman, the gentleman from Louisiana [Mr. TAUZIN], for their support of it.



I was mayor of Alexandria, VA, for 5 years, and I can tell you from firsthand experience that this is an abysmal, intolerable situation we have. The Virginia side is in Alexandria, and the Maryland side is in Prince Georges County. I know that the gentleman from Maryland [Mr. HOYER] has had similar reaction from his constituents.

This is a very serious safety hazard. The gentleman from Maryland [Mr. HOYER] has mentioned the loss of life that has occurred directly as a result of this drawbridge opening. It defies the imagination why we would have a drawbridge on an interstate highway, but the fact is we do. The fact is that it is owned by the Federal Government, it is operated by the District of Columbia, and Virginia and Maryland share various responsibilities for its upkeep. That in itself is a very difficult situation.

But we have an amendment today that has the full bipartisan interstate support of everyone that has been involved in this issue. We even have the support of the AAA, who represents the motorists, thousands of motorists whose time is lost and whose frustration goes past the boiling point when the bridge is open, as well as I believe at least the tacit support of Boats, U.S., who have gotten part of the things they wanted to be included in the bill, in other words, the ability to go through the opening in the bridge when it opens for commercial vessels.

We also have an extra opening after 10 p.m. so that recreational vehicles can avail themselves of that with 1 day's notice.

So I think we have accommodated everyone. The Coast Guard has their own interests to maintain, but I think if you asked Coast Guard personnel that are directly familiar with the situation, they would recognize that this is about the best solution that we could come up with.

Mr. Chairman, I thank Members for their consideration and the opportunity for us to lay the situation at the table and to support this very commonsense solution.

Mr. CALLAHAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I thank the chairman for granting me the opportunity to sort of butt in to this love-in. It seems that I might be the only one in the entire Chamber that is not necessarily in favor of this amendment. Certainly I am one that gives a great deal of support to local situations, and I recognize the traffic problems that this causes for those of us who represent people in this area.

But at the same time it is my understanding that this will be the only bridge in the entire country that has such mandated restrictions by law, and I think that we should give the Coast Guard their ability to negotiate whatever is workable with the local community.

Mr. Chairman, you do have people that are going to be impacted by this. You do have some danger factors that are going to be involved, because you simply cannot stop a ship as heavy as some of the commercial ships that are coming up the river might be, in a matter of 15 feet, nor can they stop with the currents that you have on these rivers here as safely as you might think.

□ 1550

It is not just simply an indication where we can turn off the engine and sit there and wait until a more appropriate time.

Mr. MORAN. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, is the gentleman aware of any other drawbridge on an interstate highway owned by the Federal Government?

Mr. CALLAHAN. Mr. Chairman, no, I am not.

Mr. MORAN. Mr. Chairman, if the gentleman will continue to yield, I think this is a unique situation.

Mr. CALLAHAN. Mr. Chairman, the Coast Guard is in charge of all navigable streams. Just because it is on an interstate does not make any difference. We have U.S. highways that are involved. We have State highways that are involved. We have railroad traffic that is involved.

While I am not going to ask for a vote on this, I do think that we should permit the Coast Guard to adopt these regulations because, if we come in here today for Virginia, we come in here for Maryland today, and we say, we are going to facilitate the needs of whatever the popular mission is of this particular issue, then tomorrow we are going to be talking with people in Missouri. And we are going to be talking about the Mississippi River and Alabama and other rivers.

I do think that this is something that should be negotiated, that should be worked out with local officials in Maryland and in Virginia, with the U.S. Coast Guard. And they ought to work it out for a situation there rather than mandated by law.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I appreciate the gentleman's comments, and I also appreciate his position.

The fact that he has reservations but is not going to ask for a vote on this, I might have respond, currently the Coast Guard does have restrictions as to hours of use. From the Coast Guard's perspective, they are not as restricted as perhaps those incorporated in the amendment.

So the practical problem, which I think is a wise one to raise in terms of

being able to stop and being able to schedule, is one that now exists under current restrictions. This may be a smaller window of opportunity to utilize the bridge, but it is not unique in the sense that there already is a window that exists.

I want to assure the gentleman, I do not know whether he was on the floor when I responded to the gentleman from North Carolina, but obviously, I want to say parenthetically, I am a very strong supporter of the Coast Guard. I think they do outstanding work.

I will hopefully be representing a district that will have a vast amount of waterways. I now represent the Harbor of Bladensburg, of course, but I will have a slightly bigger seaway of water way next time around.

The fact is, I believe that the Coast Guard is responsible, wants to do the right thing. We want to do the right thing. We are looking forward to make sure that it can be practically implemented.

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, I might just comment to the gentleman that I am one of those Members who lives in the gentleman's district, and I am one of the few who drives on that waterway.

I want to be quick to tell the gentleman, Mr. Chairman, that my vote is not impacted by this. I can get under that bridge any time day or night. But there are some people who cannot get under it and especially commercial traffic, I think that we are really infringing upon the right of waterway commerce.

I certainly respect the position of the gentleman.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, let me first recognize and acknowledge the gentleman's major concern that this not be a precedent for this committee and our own subcommittee and the Committee on Merchant Marine and Fisheries hearing constantly requests from Members to come forward with Federal legislation governing the opening and closing of draw bridges on State and local highways.

The gentleman from Virginia is correct, this is a very special case involving a Federal interstate highway. It is special in that it is located here, the Nation's Capital. It is special because of the extraordinary amounts of traffic on this bridge.

I hope the gentleman's admonition is correct, that we not make this a precedent, however, for a constant stream of amendments coming on this bill in the future, asking for this Congress to make local decisions about bridge openings.

Let me also tell the gentleman that the Coast Guard is engaged even now in

these negotiations regarding the final version these regulations are going to take codified in law, as I expect it will be in the final bill that comes out of conference.

The Coast Guard will stay in those negotiations till we have completed a final version.

Mr. McMILLEN of Maryland. Mr. Chairman, I move to strike the requisite number of words.

I rise today in support of the amendment offered by Mr. HOYER, on behalf of the Maryland delegation, to restrict the opening schedule for the Woodrow Wilson Drawbridge. This amendment intends to provide a permanent solution to the longstanding problems caused by frequent opening of the drawspan.

For some time now, the Maryland delegation has been urging the Coast Guard to restrict openings of the Woodrow Wilson Bridge in order to alleviate the severe traffic congestion and frequent accidents that currently plague the bridge. The Woodrow Wilson Bridge is a vital link to the Capital Beltway. The Coast Guard has been experimenting with different opening schedules, but all are too lenient, allowing for far too many openings to accommodate recreational boaters. Today, nearly two-thirds of the openings are for recreational boats, at the expense of 150,000 vehicles.

I joined with Senator SARBANES in introducing legislation last year that would have limited openings of the drawspan to between the hours of 12 a.m. through 4 a.m. Since then, the affected parties in Maryland, Virginia, and the District of Columbia have worked out a compromise opening schedule and warning system. While I support a more restrictive schedule, I accepted this schedule as a balanced approach that addressed our main goals of alleviating traffic congestion and safety hazards.

Unfortunately, the Coast Guard has chosen not to implement this schedule and therefore we are here today to take legislative action.

The compromise schedule restricts openings of the drawspan during peak commuter travel periods during the week and weekend. It also requires 24-hour notification of an opening. These restrictions will prevent bottlenecks caused by opening of the span, and the notification will give commuters fair warning to adjust their travel times as well as prevent accidents.

This amendment strikes a fair balance between the interests of boaters and the motoring public. I am pleased that all the Members of the delegation have come to recognize the problems with the Woodrow Wilson Drawbridge and have come together to take this necessary action. I want to give special thanks to Congressman JIM MORAN, who I have worked on this project with since the beginning. I ask my col-

leagues to support this measure as means to solving a major traffic problem for commuters in Maryland, Virginia, and the District.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Hoyer amendment.

Mr. Chairman, virtually everyone who lives in the Greater Washington area is aware of the bottleneck posed by the Woodrow Wilson Bridge. Even without the problem of the drawbridge opening, there is a substantial traffic problem along I-95 during rush hour; the occasional opening of the bridge only exacerbates this, with back ups often ranging several miles. Aside from the inconvenience to commuters, these stoppages have an economic cost in terms of work-time lost, slower deliveries, and other costs related to the delays. And is often dangerous to drivers.

The Hoyer amendment seeks to balance the competing interests of commuters, State and local governments, commercial boaters, and recreational boaters. Under this amendment, the bridge would only open between 10 a.m. and 2 p.m. for commercial river traffic. Recreational sailboats would have the option of accompanying a commercial boat through, or else passing through at night. On weekends, the bridge would be prohibited from opening between 2 p.m. and 7 p.m.

I am aware of the objections to this proposal which have been voiced by the Coast Guard, and I understand their dedication to boater safety and convenience. However, today, we must take into account the safety and convenience of everyone concerned, on the road as well as the river. I believe that we can reach an acceptable compromise with Coast Guard before conference.

Mr. Chairman, there is no arrangement which would completely please everyone involved. Boaters would obviously prefer to be able to pass under at will, and motorists would obviously prefer that the bridge never open. However, I believe the Hoyer amendment, or some modified version of it, can produce an acceptable compromise among the various parties. I urge my colleagues to support it.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words, and speak to the Hoyer amendment.

Mr. Chairman, I rise in support of the Hoyer amendment, which is a splendid example of regional cooperation to deal with a problem that is difficult, one that affects both safety and the regional economy. When I say "regional economy," I want to make clear that that spills over into the entire economy of the east coast, and therefore the economy of the United States of America. Anybody who has seen the

traffic buildups when the drawspan is up understands exactly what I mean.

This bridge is operated by District of Columbia personnel, so we have a perfect example of the region working together and experiencing regional frustrations. As the only Member from the region on the Committee on Public Works and Transportation, this is an issue that has been of great concern to me.

The amendment, of course, both would alleviate a demonstrably dangerous situation that has been described to this body, a truck crash which resulted in a death, and it is a wonder that there have not been more problems of this kind, but it is nothing more, nothing less than a common-sense amendment. It does not make any sense to open a drawbridge at peak traffic times. It is too bad that the Coast Guard was not able to figure this out, but the congressional delegation had no obligation to do so at this point.

I appreciate that this amendment is being considered at this time. It is the product of a negotiated compromise involving the entire regional delegation in a bipartisan fashion, and it has the concurrence of every organization which has the necessary expertise. It accommodates the needs of recreational boaters, commercial shippers, motorists, commercial trucking, and that has been difficult to do.

The District of Columbia has a special interest as well, because we find that traffic problems caused by the Wilson Bridge cause traffic to be diverted from the bridge to the 14th Street Bridge and to the Southeast-Southwest Freeway, and sometimes even the Key Bridge, showing the serial effects of this one span.

The Wilson Bridge is the only bridge left on the Interstate System, and we are the only body that can correct this situation. Residents, businesses from Maine to Florida who use Interstate Routes 95, 395, and 495 will be grateful if this amendment is passed this afternoon. It is a vital east coast throughway link, and I urge its adoption.

Mr. TAUZIN. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentlewoman for yielding to me, and I ask her to yield only for the purpose of pointing out that in truth and in fact there is only a small area of disagreement between the Coast Guard and the delegations from the District and the two respective States. The areas of disagreement have only been how big a notice for commercial vessels, and whether or not there would be a small window for recreational vessels during daylight hours. The Coast Guard has been very diligent in trying to resolve this. It is not, frankly, their fault that it has not come to complete



resolution, but they are engaged in the negotiations now, and hopefully before conference we will work out any final disagreements. To their credit, they have tried to work very hard to solve this.

I want to commend the gentlewoman, and again the representatives from the respective States, for their great efforts. I think we are going to resolve it before the conference committee.

Ms. NORTON. I accept the gentleman's commendation of the Coast Guard.

Mr. HOYER. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I simply want to say, both to the gentlewoman from the District of Columbia and to my friend, the gentleman from Virginia [Mr. WOLF], with whom I work so closely, who is going to be speaking in just a few minutes, and to my colleagues in the Washington metropolitan area, we have worked very, very closely together, not only on this matter but on a lot of matters, most of which we agree on, and some of which we do not.

I want to congratulate the gentlewoman. She has no opposition, so this is not political in any way, but I want to say what a positive addition she has been to the Washington metropolitan area delegation. She does outstanding work, and I want to say in particular her work on the Committee on Public Works and Transportation is of benefit to the entire region.

Ms. NORTON. Mr. Chairman, I thank the gentleman very much for those comments.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words. I will be very brief, Mr. Chairman. All of the arguments have been made. I rise in strong support of the Hoyer amendment. It is balanced, it is fair, and lest anyone think it leaves the Coast Guard out, the Coast Guard has been very much involved in this.

In their regulations they were proposing a prohibition from 5 a.m. to 9 a.m. What the gentleman from Maryland [Mr. HOYER] is doing is merely adding 1 hour to 10 a.m., and anyone who knows the Washington metropolitan area rush hour, the morning rush hour does not end until about 10 a.m., so it is a very moderate approach. What the gentleman from Maryland is doing is very appropriate.

Second, in the evening the Coast Guard wanted to ban it from 2 p.m. to 7 p.m. Rush hour does not end until 8 p.m. The gentleman from Maryland merely adds that additional hour.

Last, I have heard people concentrate on the region. It is important to the region, but it is equally important, I think, to the entire country, because the east-west traffic coming from Maine and New York and Connecticut

or coming up from Florida and places like that, these people get caught in this traffic.

The last thing why the Hoyer amendment is so important, no one knows the hour that they cannot raise the bridge any more. It has been tested. The Coast Guard has three or four different times, 8 o'clock, 9 o'clock, 8:30, 7:30. No one knows, and if there were a quiz, everyone would probably fail it. What the Hoyer amendment does is it codifies it.

I appreciate the support of the chairman, once and for all, so people from Maine to Louisiana to Florida and whatever, and Alexandria, Maryland, Fairfax, and all will know what the hours are. I commend the gentleman from Maryland [Mr. HOYER] for taking the leadership, and thank the committee for adopting this, because I think everyone will know, and it really will not hurt anyone. It brings this thing to a final conclusion.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill add the following new section:

#### SEC. . BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY THE SECRETARY.—If the Secretary, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Coast Guard may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced;

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 10 percent; and

(4) the foreign firm's bid is subsidized by the foreign government under whose laws the foreign firm is domiciled or operating.

In determining under this subsection whether the public interest so requires, the Secretary shall take into account United States international obligations and trade relations.

(b) LIMITATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) APPLICABILITY.—This section applies only to contracts for which solicitations are issued by the Department of Transportation after the date of the enactment of this Act and which are entered into during fiscal year 1993.

(d) REPORT TO CONGRESS.—The Secretary shall submit to the Congress a report on the implementation of this section. Such report shall include a description of each of the following:

(1) The contracts covered by this section that met the requirements of subsection (a) and were awarded to domestic firms.

(2) The contracts covered by this section that met the requirements of subsection (a) but which were determined by the United States Trade Representative to be in violation of the General Agreement or an international agreement to which the United States is a party.

(3) The contracts covered by this section that were awarded to foreign entities.

(e) DEFINITIONS.—For purposes of this section—

(1) DOMESTIC FIRM.—The term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States.

(2) FOREIGN FIRM.—The term "foreign firm" means a business entity that is not a domestic firm.

(3) SECRETARY.—The term "Secretary" means the head of the department in which the Coast Guard is operating.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this amendment says when they open up the drawbridge, the boats that go underneath it are to be made in America, and if they are made in America they have a wide span and a good long time to get under there. If they are not made in America, the Coast Guard has to refuse the opportunity to let these boats go underneath this drawbridge; not quite totally true.

Mr. Chairman, this is a buy American amendment. I have already discussed it with the committee. I think it makes good sense, and I want to commend the chairman of the subcommittee for his amendment dealing with certain items that should be made in America as well.

Mr. Chairman, I yield to the chairman of the subcommittee, the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the amendment. The House has included the Traficant amendment in the Coast Guard authorization bill for some years now. We have had difficulty keeping it in the conference. I not only support his amendment, but it is in line with the statement this House made recently on the issue of trade, with reference to foreign subsidies. It is in line with the notion that we ought to be buying American wherever we can, particularly where the bids are lost to foreign competition because of foreign subsidies, and it is something I hope, frankly, we can hold in the conference committee this year.

I commend the gentleman from Ohio [Mr. TRAFICANT] for offering it, and I urge my colleagues to support it.

Mr. TRAFICANT. Mr. Chairman, I yield back the balance of my time.

Mr. FIELDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to rise in support of the amendment and say that we have reviewed it on this side of the aisle, and we have no objection to it. This is, in essence, the same amendment that was adopted last year on a voice vote, and I urge its passage.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

Mr. JAMES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this bill is an example of why Congress needs the balanced budget amendment. It is an example of why Congress cannot balance the budget without an amendment. This year just under \$3.6 billion was appropriated for the Coast Guard. This bill asks for just over \$3 billion.

□ 1610

The truth is, for 1993 we have to spend less. Why? Because we are running a \$400 billion deficit. The amount of money we are spending is too high, and we have to cut it.

What would we do differently if we had a balanced budget amendment? What would we do differently if we absolutely had to bring the Coast Guard spending in below this year's level?

One thing is, we would not give a raise to the leader of the Coast Guard Band. I know that seems petty, but businesses in desperate financial trouble cut wherever they can. We are in desperate financial trouble and we need to cut here.

What else would we do differently? We would not be increasing grants to State governments for recreational boating safety activities. We do not have the money to grant it.

What else? We would not legislatively designate obstructions to navigation making them eligible for Federal aid.

What else? Well I do not know what else. I am not an expert on the Coast Guard. But I know we could bring this bill in below the 1992 appropriation if we had to. Because we think we do not have to, we are not.

Mr. Chairman, I do not want to vote against the Coast Guard. I do not want to vote against boating safety. I do want to vote against drug interdiction.

Incidentally, this was not mentioned on the floor, but the Coast Guard has relieved itself of the responsibility of surveillance. They have transferred their entire aircraft surveillance responsibility for the whole United States, it is my understanding, to the Navy, saving millions of dollars. That was not mentioned here, so it is much

more than just a minor increase in the present budget.

But we just simply cannot afford this bill. I am voting "no," and I ask my colleagues to do the same.

We are not spending and will have a \$400 billion deficit. Members have heard that number mentioned many times. That is 60 percent of all of the income taxes we collect. We are spending \$294 billion on just interest, and in a few more years this Government will do nothing more than to have deficit spending for the purposes of everything this Government does, and the balance of the revenues we take in will be simply for interest. That is unbelievable. That means that not one real dollar will be spent on the true budget of these United States. We will simply be deficit spending for everything we need, and the balance of what we collect basically will be nothing more than collecting interest, and it will go geometrically from there.

I encourage a "no" vote on this bill.

Mr. TAUZIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the comments of the gentleman from Florida. There are many in this House who are concerned about the deficit. In fact, we missed by about nine vote I think it was, putting a balanced budget amendment before the U.S. populace, and I wish we had passed it.

But in regard to how we achieve a balanced budget, it will require this Congress to set priorities, what is important, what is necessary in the life of our country.

Let me point out that if every agency of the Federal Government operated in the last 10 years the way the Coast Guard operated, if every agency of the Federal Government came before this Congress this year with a request as this authorization does for less than a 1 percent increase in authorizing funds when we are living in a 5.5 percent inflationary time, we would not have a deficit. We would not have anything to worry about.

What we are talking about basically is some pretty basic services, search and rescue, safety boating programs.

Let me point out the gentleman from Florida raised a question of whether or not we ought to be increasing the funds to States for boating safety. That is a dedicated fund. That money comes from the boaters of America and is dedicated in Breaux-Wallop to the States for that purpose. It is not a question of increasing or decreasing it. It is a dedicated fund by law, raised from the boaters for the purpose of boating safety. Those the kinds of elements in the budget.

I want to point out again that if every single agency operated the way the Coast Guard operated we would not have a debate on a balanced budget. We would not have this deficit to deal with. Let me say it again. If the Appro-

priations Committee would appropriate every dollar that we authorized, it would be less than 1 percent of last year's authorized funds. We are actually recommending in this authorization \$9 million less in acquisition budget than what was approved last year.

The Coast Guard, and the Coast Guard authorization committee, I would point out, is doing its job. It is trying to hold down spending and yet maintaining essential elements of service like safety on the waters for recreational boaters.

Let me point out also that we raised literally over \$1 billion in oilspill money dedicated to do something about the danger of oilspills. If we do not somehow give the Coast Guard, as we try to in this budget, some ability to preposition equipment and supplies, the effect of that bill will be nil, and we will be no better protected than we were before OPA 90 before we got together in this Congress and passed those kinds of statutes.

So its one thing for us to stand in the House and continue to give these new authorities, these new mandates to the Coast Guard, and then to come and say that we are not going to give them to the money to carry out their duties. It is one thing to say we ought to balance the budget. It is another to say that this agency of Government, operating like most agencies should be operating, ought to be accorded the minimum to carry out the health and safety and navigational requirements for the Nation.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Florida.

Mr. JAMES. Mr. Chairman, my point is, if this is one of the best budgets, even this budget clearly has areas, for example, the increase in the rank of the band leader, for example, and designating bridges, for example, and the reductions, and therefore the increase of expenditures in other areas of responsibility, like drug surveillance for the entire United States, if this is the best, if this is the leanest of all of the bills, it only emphasizes how much serious trouble we are in with all bills.

So I would expect a "no" vote, and then I would think on many other bills that are at least as fat as this bill to vote "no". I feel quite comfortable to vote against this bill until a couple hundred million are trimmed, and I thank the gentleman for allowing me the time for these comments.

Mr. TAUZIN. I thank the gentleman for his comments.

I would urge on the contrary that an agency that operates properly, that gives the U.S. Government a bang for its buck, that gives the people back services for the dollars we spend the way the Coast Guard does ought to be rewarded for what it does. And when the Appropriations Committee rec-



ommends a budget so clearly in line with the needs of balancing the budget of the United States of America, so clearly in line and below the rate of inflation, it ought to be rewarded with a "yes" vote.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Texas.

Mr. FIELDS. Mr. Chairman, I too urge an "aye" vote on this. We have been down line by line in this particular budget, and the Coast Guard does more for the money than any other Federal agency.

I would just ask my colleagues to review this, and then vote aye when it comes to final passage.

Mr. TAUZIN. I thank the gentleman, and I yield back the balance of my time.

Mr. PALLONE. Mr. Chairman, I move to strike the last word in order to engage in a colloquy with the gentleman from Louisiana [Mr. TAUZIN], the manager of the bill.

I understand the Federal Government makes funds available to States to assist with boating safety. And these funds are available through the Wallop-Breaux boating safety fund, is that correct?

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Louisiana.

Mr. TAUZIN. The gentleman certainly is correct, yes.

Mr. PALLONE. I would like to take a moment and explore how these funds made available to New Jersey may be used. I am aware of a marine police station in Monmouth Beach that is in desperate need of repair. This marine police station serves a large portion of the coast, enforcing boating laws and ensuring boating safety. The marine police's continued existence in this area of jurisdiction is vital to ensure the safety of the boating community.

Governor Florio and I are committed to maintaining a marine police presence in the area serviced by the Monmouth Beach Station, and the State has recognized the need for a well-maintained, modern marine police force, and would like to see these funds used in a way that could maximize public safety.

I would like to ask the gentleman if the funds made available to New Jersey through the Wallop-Breaux fund could be used to make much needed repairs to the marine police station, or in the alternative to construct a new facility.

Mr. TAUZIN. As the gentleman knows, the Wallop-Breaux funds are allocated to the States on a formula basis. The State of New Jersey may spend the money it receives through the Wallop-Breaux fund on programs to increase boating safety in general.

I have discussed this matter with my colleague, the Honorable WILLIAM

HUGHES, who serves on the committee with the gentleman, and he has agreed with me that the State in fact could use the Wallop-Breaux funds in the most efficient manner in order to increase boating safety throughout all of New Jersey, and in doing so the funds could be spent to renovate the facility the gentleman is concerned about, or even to build a new station.

Wallop-Breaux safety funds, because they are dedicated to boating safety, could certainly be used for such a project.

□ 1620

Mr. PALLONE. Mr. Chairman, I want to thank the gentleman for clarifying that. I appreciate it. I thank the gentleman from Louisiana.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join with the gentleman from Louisiana and the gentleman from Texas in response to the innuendoes from the gentleman from Florida about the U.S. Coast Guard as to whether or not America is getting the greatest bang for its buck.

Mr. Chairman, let me tell you that the Coast Guard is one of those agencies that deserves every penny we give to them. As a matter of fact, I think we are about \$300 or \$400 million short and probably will have to come back and request that amount.

But I want to congratulate the gentleman from Louisiana and the gentleman from Texas and to the staff for putting together a budget that will preserve this very valuable asset to our shorelines and to compliment the men and women who represent the U.S. Coast Guard.

I urge a favorable vote.

Mr. Chairman, in just a few minutes, this body will be voting on the Coast Guard authorization for fiscal year 1993. While I do not intend to restate all the pros and cons of the bill, I would like to take just a minute to tell you that this Member is one who truly appreciates the U.S. Coast Guard.

Quite possibly, the Coast Guard is one of the least recognized and most misunderstood branches of our national defense. In fact, because the Coast Guard is normally under the direction of the Secretary of Transportation instead of the Secretary of Defense, it is not always thought of as being an integral part of our national defense.

But Mr. Chairman, let me assure you that as a Congressman whose district borders the Gulf of Mexico, I view the Coast Guard a little like having a big life insurance policy on a loved one. You hope you never need it but you are mighty glad you do when the time comes.

In south Alabama alone, the Coast Guard employs over 800 people in 4 different locations with an annual payroll well into the millions and an economic impact estimated at over \$500 million.

In this day and age of belt tightening and cutting back, some might question if we, the

American people, are getting our money's worth from groups like the Coast Guard. Let me assure you the answer to that question is a resounding "Yes."

In addition to search and rescue missions and the deployment of buoys, America's Coast Guard is also at the forefront of providing expertise on the containment of oil, chemical and hazardous waste spills in a 36-State area. Additionally, the men and women who make up our Coast Guard in south Alabama have the distinction of recording the largest single confiscation of cocaine on the high seas. Yes; America's Coast Guard is on the front lines of our war against drugs and I am especially proud to know that our folks in Alabama are leading the way in this important battle.

Mobile is also the home to the Coast Guard Aviation Training Facility at Bate's Field, which is the largest facility of its type in the world. Coast Guard pilots from around the country learn to fly their specific helicopters and planes used in routine, day-to-day operations.

Soliders, patriots, rescuers, navigators—the Coast Guard is made up of the finest America has to offer and I, for one, am proud of all of these men and women who serve their country.

Mr. LANCASTER. Mr. Chairman, I rise in support of an authorization of \$1 million per year for 5 years to renovate buildings at the Hatteras Group Coast Guard Station, a station that has been allowed to deteriorate to a deplorable state. It is shameful that we would ask men who risk their lives regularly on dangerous search and rescue missions and in law enforcement to live under these conditions. It is outrageous that we should expect families to live in this housing. This is worse than any service housing I have ever seen.

The general condition is rundown, shabby and depressing to servicemen stationed in a remote region where not many of the modern amenities and recreational facilities are available to brighten up their lives.

The floors in the ramshackle housing units are so slanted that a bottle placed on the floor begins rolling immediately and crashes into the wall. I am not exaggerating when I say that the floors have to be constantly jacked up and down to keep furniture, children and even adults from literally falling out of their houses.

Because of the low water table, a septic tank has been placed on what amounts to a hill, and the seepage has no other path than through the housing area. The pilings have sunk so low that water regularly laps up under the units and soaks the rugs and floors.

The housing units have tiles of asbestos, a material we are removing from our own facilities because it presents a danger to us. How long must the families of brave men and women live at risk from something we won't tolerate in our own environment?

I have been shocked and angered at the kind of family housing we find on some military bases, but the housing at Hatteras makes that housing seem luxurious.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I am happy to yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I want to thank the gentleman for coming to the floor to make that statement and

to just cite a couple of cites for this House. On an average day in 1991, the U.S. Coast Guard saved 13 lives. That is on an average day, 13 American lives. It assisted 339 other people who were in trouble on the water every day. It saved \$2 million in property. It conducted 232 search-and-rescue sorties every day on the average day. It responded to 33 oil or hazardous chemical spills. It conducted 87 port safety security operations, and it inspected 82 commercial vessels, investigated 18 reported marine accidents, served 119 aids to navigation, and it seized 84 pounds of marijuana and 92 pounds of cocaine every day on the average day. That is what the agency is doing for America, and that is why I think it is one of the best run and most efficient agencies of the U.S. Government.

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, I have to tell you that a great deal of this activity takes place in my congressional district on the Gulf of Mexico in south Alabama. We are proud to have both an aviation facility and an operational facility there, and I will assure you that none of us ever hope we have to use the Coast Guard, but it is comforting for me to know that they are there for search and rescue when we need them. It is rewarding for me to sit on this committee and to see the activities that take place when you see the largest drug bust in the history of America take place right in the Gulf of Mexico by a Coast Guard commander; let me tell you, it makes you feel proud, and at the same time, it makes you fully aware that they are one of the most conservative with respect to spending American dollars, taxpayer dollars, of any agency in this country.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. McNULTY) having assumed the chair, Mr. DARDEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5055) to authorize appropriations for the Coast Guard for fiscal year 1993, and for other purposes, pursuant to House Resolution 482, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that the vote on the suspension, if called, be a 5-minute vote.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FIELDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 304, nays 22, not voting 108, as follows:

(Roll No. 207)

YEAS—304

Abercrombie	Darden	Hobson
Andrews (ME)	de la Garza	Holloway
Andrews (NJ)	DeLauro	Hopkins
Andrews (TX)	Dellums	Horn
Annunzio	Dickinson	Horton
Applegate	Dicks	Hoyer
Atkins	Dingell	Hubbard
AuCoin	Dixon	Huckaby
Baker	Dooley	Hughes
Ballenger	Doolittle	Hunter
Barnard	Dornan (CA)	Hutto
Barrett	Downey	Hyde
Bellenson	Dreier	Inhofe
Bennett	Durbin	Ireland
Bentley	Dwyer	Jacobs
Bereuter	Early	Jefferson
Berman	Eckart	Jenkins
Bevill	Edwards (CA)	Johnson (SD)
Bilbray	Edwards (TX)	Jones (NC)
Billirakis	Emerson	Jontz
Blackwell	Engel	Kanjorski
Billey	English	Kaptur
Boehert	Evans	Kasich
Boehner	Ewing	Kildee
Brewster	Fascell	Kleczka
Brooks	Fazio	Kolbe
Broomfield	Fields	Kolter
Browder	Fish	Kyl
Bruce	Flake	LaFalce
Bunning	Ford (MI)	Lagomarsino
Bustamante	Ford (TN)	Lancaster
Byron	Frank (MA)	Lantos
Callahan	Franks (CT)	LaRocco
Camp	Frost	Laughlin
Campbell (CA)	Gejdenson	Leach
Cardin	Gephardt	Lehman (FL)
Carr	Geren	Levin (MI)
Chandler	Gilchrest	Lewis (CA)
Chapman	Gilman	Lewis (FL)
Clay	Glickman	Lewis (GA)
Clement	Gonzalez	Lightfoot
Clinger	Goodling	Lipinski
Coble	Gordon	Long
Coleman (MO)	Goss	Lowey (NY)
Collins (IL)	Gradison	Luken
Collins (MI)	Green	Machtley
Condit	Guarini	Markey
Conyers	Hall (OH)	Martinez
Cooper	Hall (TX)	Mazzoli
Costello	Hamilton	McCandless
Coughlin	Hammerschmidt	McCloskey
Cox (CA)	Hayes (IL)	McCrery
Cox (IL)	Hayes (LA)	McCurdy
Coyne	Hefley	McDermott
Cramer	Hertel	McEwen
Cunningham	Hoagland	McHugh

McMillen (MD)	Porter
McNulty	Poshard
Mfume	Pursell
Miller (CA)	Quillen
Miller (OH)	Rangel
Miller (WA)	Ravenel
Mineta	Reed
Mink	Regula
Moakley	Richardson
Molinari	Ridge
Montgomery	Rinaldo
Moody	Roe
Moorhead	Roemer
Moran	Rohrabacher
Morella	Ros-Lehtinen
Mrizek	Rose
Murphy	Roybal
Murtha	Russo
Myers	Sabo
Nagle	Sanders
Natcher	Sangmeister
Neal (MA)	Santor
Nowak	Sarpalius
Oaker	Sawyer
Oberstar	Saxton
Obey	Schaefer
Oliver	Scheuer
Ortiz	Schiff
Orton	Schroeder
Owens (UT)	Schulze
Oxley	Serrano
Packard	Sharp
Pallone	Shaw
Panetta	Shays
Parker	Shuster
Pastor	Sikorski
Patterson	Siskisky
Paxon	Skaggs
Payne (VA)	Skeen
Pelosi	Slattery
Penny	Slaughter
Peterson (FL)	Smith (IA)
Peterson (MN)	Smith (NJ)
Pickett	Smith (OR)
Pickle	Smith (TX)
	Snowe

NAYS—22

Allard	Fawell	Petri
Allen	Grandy	Ramstad
Burton	Hancock	Sensenbrenner
Combest	Henry	Solomon
Crane	James	Stump
Dannemeyer	Johnson (TX)	Thomas (WY)
Dorgan (ND)	Meyers	
Duncan	Nussle	

NOT VOTING—108

Ackerman	Gingrich	Neal (NC)
Alexander	Gunderson	Nichols
Anderson	Hansen	Owens (NY)
Anthony	Harris	Payne (NJ)
Archer	Hastert	Pease
Armey	Hatcher	Perkins
Aspin	Hefner	Price
Bacchus	Herger	Rahall
Barton	Hochbrueckner	Ray
Bateman	Houghton	Rhodes
Bonior	Johnson (CT)	Riggs
Borski	Johnston	Ritter
Boucher	Jones (GA)	Roberts
Boxer	Kennedy	Rogers
Brown	Kennelly	Rostenkowski
Bryant	Klug	Roth
Campbell (CO)	Kopetski	Roukema
Carper	Kostmayer	Rowland
Coleman (TX)	Lehman (CA)	Savage
Davis	Lent	Schumer
DeFazio	Levine (CA)	Skelton
DeLay	Livingston	Smith (FL)
Derrick	Lloyd	Stallings
Donnelly	Lowery (CA)	Stark
Dymally	Manton	Synar
Edwards (OK)	Marlenee	Tallion
Erdreich	Martin	Tanner
Espy	Matsui	Torres
Feighan	Mavroules	Traxler
Foglietta	McCollum	Walker
Galleghy	McDade	Washington
Gallo	McGrath	Weiss
Gaydos	McMillan (NC)	Weldon
Gekas	Michel	Wise
Gibbons	Mollohan	Wyden
Gillmor	Morrison	Young (FL)



□ 1646

Mr. GRANDY changed his vote from "yea" to "nay."

Mr. ZIMMER and Mr. ZELIFF changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 legislative days in which to revise and extend their remarks on H.R. 5055, the bill just passed.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## AUTHORIZING THE CLERK TO MAKE TECHNICAL AND CONFORMING CORRECTIONS IN ENGROSSMENT OF H.R. 5055

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill, H.R. 5055, including corrections in spelling, punctuation, section numbering, and cross-referencing.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## ESTABLISHING A WORLD WAR II MEMORIAL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1624, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1624, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the American Battle Monuments Commission to establish a memorial, in the District of Columbia or its environs, to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war."

A motion to reconsider was laid on the table.

## THE JOURNAL

The SPEAKER pro tempore. The pending business is the question of ap-

proving the Speaker's approval of the Journal.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. YOUNG of Alaska. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 229, noes 100, not voting 105, as follows:

[Roll No. 208]

## AYES—229

Abercrombie	Green	Parker
Andrews (ME)	Guarini	Pastor
Andrews (NJ)	Gunderson	Patterson
Andrews (TX)	Hall (OH)	Payne (VA)
Annuizio	Hall (TX)	Pelosi
Applegate	Hamilton	Penny
Archer	Hammerschmidt	Peterson (FL)
Atkins	Hayes (IL)	Peterson (MN)
AuCoin	Hayes (LA)	Petri
Barnard	Hertel	Pickett
Bellenson	Hoagland	Pickle
Bennett	Horn	Poshard
Berman	Horton	Pursell
Bevill	Hoyer	Rangel
Bilbray	Hubbard	Ravenel
Blackwell	Hughes	Reed
Boucher	Hutto	Richardson
Brewster	Hyde	Ridge
Brooks	Jefferson	Rinaldo
Browder	Jenkins	Ritter
Bruce	Johnson (SD)	Roe
Bustamante	Jones (NC)	Roemer
Byron	Jontz	Rose
Callahan	Kanjorski	Roybal
Cardin	Kaptur	Russo
Carr	Kasich	Sabo
Chapman	Kildee	Sanders
Clay	Klecza	Sangmeister
Clement	Kolter	Sarpallus
Clinger	LaFalce	Sawyer
Coleman (MO)	Lancaster	Scheuer
Collins (IL)	Lantos	Schiff
Collins (MI)	LaRocco	Schroeder
Combest	Laughlin	Schulze
Condit	Lehman (FL)	Serrano
Conyers	Levin (MI)	Sharp
Cooper	Lewis (GA)	Shaw
Costello	Lipinski	Sisisky
Cox (IL)	Long	Skaggs
Coyne	Lowey (NY)	Skeen
Cramer	Luken	Slattery
Darden	Machtley	Slaughter
de la Garza	Markey	Smith (IA)
DeLauro	Martinez	Smith (NJ)
Dellums	Mazzoli	Snowe
Dicks	McCloskey	Solarz
Dingell	McCurdy	Spratt
Dixon	McDermott	Staggers
Dooley	McHugh	Stenholm
Dorgan (ND)	McMillen (MD)	Stokes
Downey	McNulty	Studds
Dreier	Mfune	Swett
Duncan	Miller (CA)	Swift
Durbin	Mineta	Tauzin
Dwyer	Mink	Taylor (MS)
Early	Moakley	Thomas (GA)
Eckart	Molinari	Thornton
Edwards (CA)	Montgomery	Torricelli
Edwards (TX)	Moran	Towns
Engel	Mrazek	Trafigant
English	Murtha	Unsoeld
Evans	Myers	Valentine
Fascell	Nagle	Vander Jagt
Fazio	Natcher	Vento
Fish	Neal (MA)	Visclosky
Flake	Nowak	Volkmer
Ford (MI)	Oakar	Waters
Ford (TN)	Oberstar	Waxman
Frank (MA)	Obey	Wheat
Frost	Olin	Williams
Gejdenson	Olver	Wilson
Geren	Ortiz	Wolpe
Gilman	Orton	Wylie
Glickman	Owens (UT)	Yates
Gonzalez	Packard	Yatron
Gordon	Pallone	
Gradison	Panetta	

## NOES—100

Allard	Hancock	Porter
Allen	Hefley	Quillen
Baker	Henry	Ramstad
Ballenger	Hobson	Regula
Barrett	Holloway	Rohrabacher
Bentley	Hopkins	Ros-Lehtinen
Bereuter	Huckaby	Santorum
Bilirakis	Hunter	Saxton
Billiey	Inhofe	Schaefer
Boehlert	Ireland	Sensenbrenner
Boehner	Jacobs	Shays
Bunning	James	Shuster
Burton	Johnson (TX)	Sikorski
Camp	Kolbe	Smith (OR)
Campbell (CA)	Kyl	Smith (TX)
Chandler	Lagomarsino	Solomon
Coble	Leach	Spence
Coughlin	Lewis (CA)	Stearns
Cox (CA)	Lewis (FL)	Stump
Crane	Lightfoot	Sundquist
Cunningham	McCandless	Taylor (NC)
Dannemeyer	McCrery	Thomas (CA)
Dickinson	McEwen	Thomas (WY)
Doolittle	McMillan (NC)	Upton
Dorman (CA)	Meyers	Vucanovich
Emerson	Michel	Walker
Ewing	Miller (OH)	Walsh
Fawell	Miller (WA)	Weber
Fields	Moorhead	Wolf
Franks (CT)	Morella	Young (AK)
Gilchrist	Murphy	Zeliff
Goodling	Nussle	Zimmer
Goss	Oxley	
Grandy	Paxon	

## NOT VOTING—105

Ackerman	Gillmor	Neal (NC)
Alexander	Gingrich	Nichols
Anderson	Hansen	Owens (NY)
Anthony	Harris	Payne (NJ)
Arney	Hastert	Pease
Aspin	Hatcher	Perkins
Bacchus	Hefner	Price
Barton	Heger	Rahall
Bateman	Hochbrueckner	Ray
Bonior	Houghton	Rhodes
Borski	Johnson (CT)	Riggs
Boxer	Johnston	Roberts
Broomfield	Jones (GA)	Rogers
Brown	Kennedy	Rostenkowski
Bryant	Kennelly	Roth
Campbell (CO)	Klug	Roukema
Carper	Kopetski	Rowland
Coleman (TX)	Kostmayer	Savage
Davis	Lehman (CA)	Schumer
DeFazio	Lent	Skelton
DeLay	Levine (CA)	Smith (FL)
Derrick	Livingston	Stallings
Donnelly	Lloyd	Stark
Dymally	Lowery (CA)	Synar
Edwards (OK)	Manton	Tallon
Erdreich	Marlenee	Tanner
Espy	Martin	Torres
Feighan	Matsui	Traxler
Foglietta	Mavroules	Washington
Galleghy	McCollum	Weiss
Gallo	McDade	Weldon
Gaydos	McGrath	Whitten
Gekas	Mollohan	Wise
Gephardt	Moody	Wyden
Gibbons	Morrison	Young (FL)

□ 1713

So the Journal was approved.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. KOPETSKI. Mr. Speaker, I was unavoidably detained on official business in my district for the votes on rollcall Nos. 207 and 208. If I had been present, I would have voted "aye" on rollcall No. 207 and "aye" on rollcall No. 208.

# CONFERENCE REPORT ON S. 429, CONSUMER PROTECTION AGAINST PRICE FIXING ACT OF 1991

Mr. BROOKS submitted the following conference report and statement on the Senate bill (S. 429) to amend the Sherman Act regarding retail competition:

CONFERENCE REPORT (H. REPT. 102-605)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 429), to amend the Sherman Act regarding retail competition, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses that the House recede from its amendments.

JACK BROOKS,  
DON EDWARDS,  
MIKE SYNAR,

*Managers on the Part of the House.*

JOE BIDEN,  
TED KENNEDY,  
HOWARD M. METZENBAUM,

*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 429) to amend the Sherman Act regarding retail competition, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The House recedes from its amendment to the Senate bill.

The Senate bill includes numerous provisions not in the House amendment which significantly limit the application of the bill and which set more difficult standards for possible plaintiffs to meet in moving to trial in cases involving allegations of resale price maintenance. The conferees agreed to adopt the more limited Senate bill because of these additional protections for potential defendants.

The purpose of the conference agreement is to promote retail competition and assure lower prices on products for the benefit of all consumers particularly at a time when consumer spending is essential to full economic recovery. The agreement would codify the well-established principle that resale price fixing agreements are per se unlawful. The conference agreement would also clarify the evidentiary standard for jury consideration of certain vertical price fixing agreements. Finally, the conference agreement would make clear that an agreement between a manufacturer and a retailer to terminate another retailer in order to eliminate price competition is illegal, whether or not a specific price or price level is agreed upon. The additional protections contained in the Senate bill are as follows:

1. The Senate bill, much more pointedly than the House amendment, contains language to require that there be some evidence of agreement between the manufacturer and the high price retailer, i.e., that the manufacturer "acquiesced to the request or demand of the retailer" or "took actions, in addition to the termination or refusal to supply [the discounter], to curtail price competition."

2. The Senate bill, but not the House amendment, makes clear that a manufacturer's

"decision to alter its distribution policy through adoption of exclusive distributor outlets" would not constitute an action to curtail price competition.

3. The Senate bill, but not the House amendment, requires courts to consider "bona fide" business justifications for a manufacturer terminating or refusing to supply a discounter.

4. The Senate bill, but not the House amendment, changes the rule that maximum resale price maintenance agreements are per se illegal. Agreements to set limits on how high a price should be are to be treated under the balancing test of the rule-of-reason standard.

5. The House amendment provides for a cause of action where a retailer is terminated because of his "pricing policies" regardless of whether a specific price or price level was agreed to by the manufacturer and the rival high-priced dealer. The Senate bill instead applies the standard that "discount pricing was the major cause" for the termination by the manufacturer regardless of prices being set by the remaining conspirators.

6. The Senate bill expands the safe harbor in the House amendment for vertical location clauses and vertical territorial restraints to include "the existing state of law with respect to other types of non-price vertical restraints."

The conferees, recognizing the need for balance in providing the greater protections for potential defendants in vertical price fixing cases agreed to the Senate bill.

For the text of S. 429 as it passed the Senate, see CONGRESSIONAL RECORD of October 10, 1991, page H7756.

JACK BROOKS,  
DON EDWARDS,  
MIKE SYNAR,

*Managers on the Part of the House.*

JOE BIDEN,  
TED KENNEDY,  
HOWARD M. METZENBAUM,

*Managers on the Part of the Senate.*

## GATT INTERPRETS U.S. CONSTITUTION

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the General Agreement on Tariffs and Trade [GATT] has finally revealed the true intentions of the Geneva-based 103-member organization through one of its panel rulings. It interpreted the U.S. Constitution ruling the President can overrule State-enacted laws regulating beer and wine sales if they conflict with international trade rules.

Presently, the U.S. Trade Representative's office has no plans to block adoption of this report, but, they said, "on the other hand," they do not intend to correct practices based on the interpretation of the Constitution.

You can't have it both ways. This is a blatant attack on the sovereignty of the United States. This ruling, along with previous rulings on the environment, are an attack on our entire federal system. If you think the American taxpayer is angry now, then just wait until they fully understand what GATT

is about. We fought a war once over taxation without representation and threw the rascals out. Americans understand that the only entity that is higher than our Constitution is the Almighty—not some foreign power.

## INEQUALITY FOR WOMEN IN SPORTS

The SPEAKER pro tempore (Mr. SKAGGS). Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, 20 years after Congress passed title IX of the education amendments of the 1972 Civil Rights Act, the law that guarantees equal access to sports opportunities for both sexes in schools and universities that receive Federal funds, I regret to say that there remains much inequality for women in sports.

Critics of gender equity say it is too costly. I say that denying girls and women equal opportunities in sports is far more costly. While the lack of financial resources has been used as an excuse not to implement title IX, men's athletic budgets continue to grow by leaps and bounds.

Christine Grant, women's athletic director at the University of Iowa, said that while football and men's basketball brought in the bulk of the moneys to fund other sports, "they also eat up a considerable portion of the income."

Also, only about 30 percent of major college football programs generate a profit.

A review of the 1991 National Collegiate Athletic Association's "Revenues and Expenses of Intercollegiate Athletic Programs," shows that the majority of division I institutions—which includes all the major colleges—run football deficits, largely because of the costs of grants-in-aid.

It is a myth that high-budget men's sport teams like football are profitable. An earlier NCAA study showed that in fiscal 1989, 45 percent of division I-A schools lost money on football. These schools normally carry more than 100 players on a team, more than twice the number on an NFL team.

In the Washington Post this week, Florida State's football coach, Bobby Bowden, gave evidence that support of the myth continues. Bowden was quoted as saying: "I'm for it for the ladies, just like the men, but we must be realistic about who can bring in the dollars to pay for all these programs."

Not only do many football programs lose money, they are subsidized in many ways, including mandatory student fees that are charged to all students—male and female.

Some apologists for the colleges suggest it is fair to base spending on participation percentages and not enroll-



ment percentages. In my view, lower participation rates for women as the result of unequal treatment should not be cited as an excuse.

The Post article also gives a good example of the disparity between the cost of football and women's sports. At Washington State University, which has done an outstanding job of providing equal opportunities for women athletes, the newspaper reported that football last year cost \$3.1 million, while all nine women's sports combined cost \$2 million.

When schools elect to have athletic programs, they do so as educational institutions, not as businesses, so the issue should not be based upon profitability. To justify spending more on men's sports in terms of costs and revenues is to treat sports like a business, not as an extracurricular activity.

If a school spent more money on male scientists than on female scientists, we would be outraged. The same should be true in college athletics.

At another time, I will speak further on the need for enforcement of title IX as we continue to observe the anniversary of this important law.

□ 1720

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SKAGGS). The Chair would advise individuals in the gallery that the rules of the House prohibit any display of support or objection to the proceedings on the floor.

#### FRANK HORTON TO RETIRE AFTER SERVING 30 YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Mr. Speaker, Congressman HORTON's decision to retire from Congress after 30 years of distinguished service saddened me greatly. The House of Representatives is losing one of its most respected, dedicated, and hardworking Members who never wavered from his principles even in the face of extreme adversity.

I consider it an honor to have had the opportunity to work with a man of FRANK HORTON's stature over these many years. Together, at the Government Operations Committee, we fought against waste, fraud, and abuse in Federal programs ranging from military procurement to the Social Security System. In all these matters, FRANK HORTON never shied away from conflict nor did he ever let partisan politics shield wrongdoing. He didn't care whether a Government official was a Republican or Democrat. If Federal money was being wasted or the American taxpayer was being defrauded, FRANK HORTON was there to make sure someone was made accountable.

I have also been fortunate to have worked with FRANK on several precedent setting pieces of legislation which improved the management and operation of Government. In these matters, too, he always put the interest of our citizens ahead of partisan politics. As a result, we were able to get enacted such statutes as the Inspector General Act, the Competition in Contracting Act, the Prompt Payment Act, and the Office of Federal Procurement Policy Act. These legislative initiatives were enacted against overwhelming odds and in large part because of his leadership and unwavering support.

Out of all the "Good Government" legislation that he sponsored, the Paperwork Reduction Act stands out as one of his most outstanding achievements. As chairman of the Government Paperwork Commission, FRANK HORTON pushed for dramatic reforms in the way the Government collects, analyzes, and uses information. He fervently believed that a tremendous amount of Federal paperwork and redtape could be reduced through the better management and use of modern information technology. It is through his tireless efforts that Congress eventually passed and the President signed into law on December 11, 1980, the Paperwork Reduction Act. This statute is a shining example of FRANK HORTON's legislative acumen and his ability to work with the majority to get things done.

I know that Members on both sides of the aisle respect and admire FRANK HORTON. He is one of the finest Members to have been elected to Congress and he will be sorely missed. I am sure that I can speak for my colleagues in wishing FRANK and his wife, Nancy, our very best in their new life.

#### CONSTITUTIONAL PRINCIPLES AND THE SUBPOENA ORDERED BY SPECIAL COUNSEL MALCOLM WILKEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise today to discuss a matter of what I consider to be of extreme concern, and it should be to each and every one of us Members of the U.S. House of Representatives, and to every American who is concerned about the great and the basic constitutional principles which underlie our system of government, and which we particularly, as Members of the House of Representatives, have taken an oath to uphold.

The subject is a subpoena from Malcolm Wilkey, special counsel to the Attorney General, for the 41 rolls of microfilm records of the so-called House bank, which, of course, never was a bank.

Today, I want to talk about four things: First, the fact that, contrary to Wilkey's promises to District Judge Penn on Friday, May 1, 1992, the almost 200 users of that facility with no overdrafts have not received any records back; second, in fact, the special counsel has instead asked for even more

records and documents, even though his review of the first set is evidently far from complete; third, the political history of the special counsel evidences a strong bias against the legislative branch; and fourth, the important constitutional principles which are under attack as a result of the first subpoena and Wilkey's subsequently inclusive requests for additional personal and private financial records of Members of this body.

A short review of this will show that the subpoenas at issue were served on April 21 with a return date of April 30. On Wednesday, April 29, the House passed Resolution 441 directing the House Sergeant at Arms to comply with the subpoenas. That same day, or rather that same night, I filed pro se, together with the gentleman from Illinois [Mr. YATES], a motion to quash the subpoena and engaged counsel to represent my position before the district court. On April 30 the gentleman from Washington, the Honorable JOLINE UNSOELD, the gentleman from New York, TED WEISS, and the gentleman from Texas, CRAIG WASHINGTON, joined our motion.

The district court denied, on April 30, an oral request for a brief continuance and held a hearing on the merits Friday, May 1. On Monday, May 4, at noon, Chief Judge Penn denied the motion to quash and both he and later that afternoon the Court of Appeals for the District of Columbia Circuit denied stays. That same date the 41 rolls of microfilm were turned over to the staff of the special counsel. As a matter of fact, they were turned over before the judge issued his finding.

On Monday, May 18, the Supreme Court entered a one-sentence order similarly denying my request for a stay.

Let me sum up. At no point did any one of the courts actually look into the fundamental constitutional problem and issue that I was raising. They went on a purely formalistic finding that since the films had been released and the subpoenas, therefore, served—abated—that the question was moot, and let it go at that. They did not in any case, beginning with the District Judge Penn, or later, much less, the Appeal Court, and of course neither did the Supreme Court at any time, consider the merits of the vital constitutional question involved.

My position was—and of course the attorneys were continuing the motion to quash, it seemed to me, not being the one involved in the actual counsel of record or in the proceedings or in representation before the court—that my argument would have been weighted not so much on what was already an accomplished fact: Which was that those documents had been turned over by the House counsel and the Sergeant at Arms to the Special Prosecutor as the first judge, Judge Penn, was con-

sidering our argument, so the judge then absolutely omitted any kind of reference to the most important part of my memorandum, which is what we filed in the first instance and which we prepared late that night on Thursday when the House was debating the bill.

Because the documents had already been turned over, and largely based on Wilkey's assurances to the district judge regarding prompt return of those records to Members with no overdrafts and protection from leaks, the real issues relating to the overbreadth and overreach of the subpoenas have never been answered.

I am very sensitive about this, and have been long before I ever thought I would serve in the U.S. House of Representatives. Locally in my district, coming up the ropes or the hurdles of that day and time—very harsh, very arduous times, another world which I am glad is gone and past—I had good reason to form the first breakthrough leadership in my area, and I based it mostly on my ability to comprehend, know, and evaluate the fine points of rights vested the amount any one of us is born in the United States, without regard to color, creed, or race.

I was sensitive because I have been in this body 30½ years, and there was an exact precedent in the case of Congressman Adam Clayton Powell and the effort made by the House, made by the then-minority leader, Gerald Ford, to try to exclude Mr. Powell from being seated as a newly elected Member of this body.

□ 1730

He had just been overwhelmingly elected in his district in New York. There was no question about the legality of his victory. But Adam Clayton Powell had been in the headlines as charged with various indiscretions that seemed to ignite the indignation of Members and not Members of the House.

So finally the minority leader concocted the resolution of exclusion. When I was contacted I said this is beyond the powers of the House. If such were to be the case, this would be the seed germs of the destruction of this body, because at times of national convulsion and passion and division there were some unpopular Member because of his thoughts, because of his votes, and the majority would have the right to exclude him, you can see this is the seed germ of the destruction of this body, and you have not the power. The House, if it votes for this resolution, will be acting with, as they say in law, ultra virus, beyond its scope and power under the Constitution to do so. Now, if you are so indignant about the bad comportment of Mr. Powell, I suggest to you, Mr. Minority Leader, and this is exactly what I told him when he approached me, then you can introduce a bill of impeachment, a resolution in

which you will then recite specific instances in which the demeanor and the conduct of this gentleman is of such a nature that it is subject to the impeachment process, and the House can then vote on impeachment. But it will require a two-thirds vote, whereas an exclusion motion is just a majority vote. And you have to be specific, at least I would think so in the case of Mr. Powell, and in a case of impeachment. And then of course if they voted, then he would then be tried by the U.S. Senate. It was intended to be that way. But exclusion, refusal to seat a Member in the absence of impropriety in his election or illegality in the process that saw him elected is beyond the power of the House.

He kind of went by and just turned his back, and they went on ahead and voted, and there was a substantial majority of the House that voted to exclude Adam Clayton Powell. Mr. Powell came up to me to thank me for my vote, my negative vote, and I said do not thank me. I think you have a clear duty to go to the Court, and he did. And in less than a month's time the Supreme Court threw out as unconstitutional, even though it was the overwhelming Members of the House who voted for that resolution, threw it out as not being within the powers and the constitutional authority of the House to exclude a Member otherwise duly elected.

No impeachment resolution was ever introduced. Mr. Powell went on and served, and then eventually he lost in his own district, as the constituents had the right to decide in that district.

Now in this case Wilkey says well, but the House voted overwhelmingly to surrender these subpoenas. My answer to him is I do not care if 434 other Members of this House voted. They cannot waive my constitutional rights, privileges and immunities under the Constitution, no way, because those do not belong to me. I am here only temporarily for a given 2-year period at a time. These rights and constitutional privileges and immunities, just like Mr. Powell's election, belong to the constituents of my district who voted for me, and that still is true.

That was never evaluated by either Judge Penn, the district judge, or the appellate judges, or much less the Supreme Court.

Now I am not giving up there. I went as far as I could in those circumstances, but every one of them decided on the basis, not on the merits of first my memorandum, then my petition, but on the basis that the House had turned over, pursuant to an overwhelming vote, those documents as demanded by this overreaching shotgun subpoena.

That did not entertain the issue of the fourth Bill of Rights, or the fourth amendment, and that is improper, illegal searches and seizures, and I did not

even go into that because I did not think I had to. It would be self-evident and manifest that the real issue was my individual rights and the rights of the Members collectively and individually under the Constitution, and the immunity and privileges clauses. And for the first time, let me tell you what my colleagues in the majority did on that fateful night. For the first time since the First Congress in 1789 you have sacrificed, you have abdicated the independence, the coequality, the sparseness of the House of Representatives as an integral member, composition of the U.S. Congress, for the first time, that is what you have done.

But, as I say and repeat, I have not stopped there, and that is why tonight I am advising my colleagues first that Wilkey has not kept his promise. I am one of those who happens to be in the mere 200 that did not have any overdrafts. I have used the facility since I came here because it was convenient, even though for many, many years I wondered at my foolishness in having an account and drawing no interest. But I have always had an existence of a struggle.

I started working when I was 10 years old, and there has not been one year since then, and I am 76 now, that I have not worked at something or other in between. During the Depression while men were walking the streets in droves seeking employment, with families to support, I was working. I worked for as much as 10 cents an hour many a month, many a year, but I worked.

And when I finally did have such a thing as a bank account where I could even have as much as \$200 or \$300, and then when I got elected to the city council of San Antonio in 1953, and soon discovered that it was a tumultuous and disorderly period in municipal history, then in first 2 months there I went through my poor savings account, because the emolument was \$20 a week for no more than 40 weeks, and it is true still, except that today they have all kinds of expenses, as much as \$50,000 or \$60,000 for expenses and offices and secretaries. When I was on the city council of San Antonio, first, I had to run citywide. Today they have individual member districts. Second, we did not even get postage stamps with which to answer mail. I was the only one on the city council that would go home and peck on my typewriter answers to constituents that had a right to ask us, for whom they had voted, not the city manager. They could not reach the city manager. He was appointed by us.

□ 1740

Even though he was the chief administrator, they could not get an ear there in that office, so they would write to the man that they thought they had voted for and that should be accessible.



Well, so what? I have always learned that that which is mine and I have earned I shall take care of; that which is not mine I do not fool around with it.

When I was elected treasurer of the junior class in high school, I refused it. I turned down the election because I never have wanted to handle anybody else's money. I will account for mine.

So when I came here and they told me about this facility, I asked several questions. They way they were answered leads me to believe that in some few last years some changes have come about. When? I do not know. All I know is that I never had to worry.

The little staff they had in this facility was very efficient. I had my written statement all typed out and everything else and punched out by either the 1st or the 2nd of the month giving me faster service than I ever got anywhere else. I never had any problems about whether I knew or did not know if I had sufficient funds. I knew exactly what I had or did not.

On top of that, I have had the practice of titheing myself, that is, when I first came up, I had to spend my first 3½ years to pay back a few debts I had incurred, and then on top of that, go back home every week, because I could not afford to come up and have two homes. We used to have to pay for those trips, and today, and as of about some 12-14 years ago, you have reimbursement if you go to the district.

But those first years, that is, about for 15 years, that was coming out of my own pocket. But that was my decision.

I am not crying about it and I did not complain then. I am just happy that it was finally recognized that there was legitimacy to allow a Member to go to his district and account to his constituencies during a session. So that is fine.

But what I would always do was that I would leave in that account my check; I never saw my check. It was automatically deposited, and I would make sure that no more than 10 percent, at least, would remain there unspent each month. Then as my family grew, and as they left the house, I was able to leave more and more in greater percentage. So I never had any worries about it.

But it does aggravate me no end to see now the burden trying to be placed first on some poor hapless employees. I am not talking about the Sergeant at Arms. I just do not know what his role has been, and perhaps if that is what they want to look into. OK, but I am talking about the overreach of the executive branch in a palpable, premeditated, calculated, and, in my opinion, malicious attempt to improperly invade the independence, the coequality, and the separateness of this branch of Government. I have written a treatise on that. It has recently been published in the Harvard Review of Legislation in

which I have pointed out and documented how the Congress has abdicated and has deferred to the executive branch what I would consider to be, and all the students who have studied it since 1789 say, there are nondelegable functions that the Constitution placed on the Congress that cannot be delegated to the President, but they have been, and that is dangerous.

I happen to believe that unless we rearrange, unless somehow or other we rise to these constitutional responsibilities and sensitivities, our days are numbered, if they are already not doomed, as far as our balance of power, of the much vaunted American system in the great contribution to government in the annals of written mankind history will be a thing of the past, as I believe it is fast becoming already. His promises, that is, Wilkey's have not been kept. In front of Chief Judge Penn of the district court, Special Counsel Wilkey made the following promises, and I will quote directly from the transcript of that proceeding:

We are willing to take the microfilm, process it in a way that will separate those 170 accounts immediately and separate the 325 in which we have some interest.

Another quote:

The 170 will go into one box unsorted, unreviewed. Those will go in boxes, sealed, returned to the House of Representatives, immediately returned after they have been separated, immediately, and never reviewed.

He has traduced that oath he gave that judge. He has not done so, and I do not think he ever intends to do so unless we can get some hearing and some prick of conscience in these judges who will be sensitive like some of their predecessors have been in the past to this very great constitutional issue involved.

After using the word "immediately" several times, Wilkey finally promises the court in response to a question from Judge Penn about asking for all of the records where not all the Members had overdrafts, and I am going to quote his answer: It is his understanding that "within a month we will have all of these records processed." Within a month.

Mr. Speaker, I emphasize Wilkey's promises, because Judge Penn relied upon them in allowing the Special Counsel to get all the microfilm even regarding accounts of which the Special Counsel is not supposed to have any interest.

Let me cite from Judge Penn's opinion to illustrate his reliance on Wilkey's words, and I am going to quote:

Some Members of the House have expressed concern over the fact that the subpoena requests all microfilm records including those records relating to Members who had no overdrafts. In response to that concern, the special counsel has stated, "We have technological facilities which will enable us to separate the 170 as a group from the other accounts as quickly. We will re-

turn these to the House unorganized, uncollocated, and unreviewed."

That is from the Judge's opinion.

Now, I understand from a letter to the special counsel from the FBI dated May 13, 1992, that hard copies are being made of all the microfilm records, that FBI employees are simultaneously hard-cutting each copy, separating each document to accommodate the ultimate separation of the approximately 200 accounts identified by the House of Representatives as being known overdraft. The hard copy is then forwarded to the document control team for data entry purposes.

Finally, there is an additional third process of data loading from the hard copy, separating the alleged 200 accounts identified by the House of Representatives as not involving overdrafts. The microfilm is not even involved in this process. This actually involves changing information from one sort of hard copy to hard copy compilation of information by individual account.

To the contrary of Wilkey's assurances, all the documents are being organized, collated, and reviewed, and also to the contrary of Wilkey's assurances, this process will take far longer than the time frame he promised Chief Judge Penn.

More than a month has passed, much more, and the Special Counsel has not returned one record to the House.

Of course, it is of great concern that not only have all the promises for immediate return of the documents not been kept, but, in fact, new requests have been made for additional records. Some of these we do not know about, because in the last resolution that was passed, the House willy-nilly selected the Speaker, the majority leader, and the minority leader as a committee of three to decide which ones they would give on the basis of further subpoenas.

My understanding is, except we have had no report from this so-called committee, and now I was one of four that did not vote for that resolution, incidentally, that just as of last week they were overreaching once again, and that the committee was in doubt. That is the last I heard.

The Special Counsel has asked, and the House complied on May 28, 1992, for the general ledger, various lists, and additional account information, information on the bank's relationship with the National Bank of Washington. This latter with no time limits and more. This time there are not even any promises of immediate action or assurances that our financial privacy will be protected.

□ 1750

Now, let us look at this so-called Judge Wilkey, Special Counsel or Special Prosecutor.

As Stuart Taylor, a senior writer for the Legal Times pointed out in an issue

dated May 4, 1992, the stories generated by and letters from the Special Counsel clearly have the effect and presumably the purpose of generating headlines.

Taylor describes Wilkey's statements as vague and inflammatory. Taylor describes a knowingly overboard subpoena as follows:

Representing the Executive Branch, you seek to coerce surrender of the most private financial records of all members of a co-equal branch of government that is controlled by an opposing political party.

Note, controlled by an opposing political party.

Now, when he says all coequal branches of government, presumably that would be his own judicial.

Let me cite a document closer to home. This is an article written by Wilkey for publication of the Federalist Society in the summer of 1985, cited in Roll Call by Glen R. Simpson on June 1, 1992:

In the article, Judicial Activism, Congressional Abdication and the Need for Constitutional Reform, Wilkey argues that judicial activism, which he views as a trend to be deplored, is a necessary outgrowth of congressional shirking of responsibility.

Another quote:

To remedy this problem, Wilkey argues, Congress requires major surgery. Among Wilkey's reform proposals is elimination of the re-election syndrome by eliminating re-election altogether. He advocates a single six-year term for all members, with a prohibition on re-election.

In addition, Mr. Simpson explains that Wilkey wants to eliminate the constitutional service function of a Member, shrink the number of Members, give the President the line-item veto, eliminate the requirements of Senate confirmation for most Presidential appointees, and even asserted that the constitutional concept of declaring war by congressional resolution is an anachronism.

Of course it is an anachronism, as I have been bringing out since long before I thought I would be here. That goes back to the time that we let Presidents compel an unwilling American conscript and send him out of the continental United States into an undeclared war.

What I said then, and what that was in 1950 and it was not a Republican President, I might say, was that we had no Constitution if that came about.

I knew well and intimately the history of the first peace-time draft act of 1940 and its renewal by one vote in 1941 in August just a few months before Pearl Harbor. I am well-versed with the history and the content of that Act.

Those men in Congress then were sensitive, too. It was only after great hesitation that they provided for such a thing, but also with safeguards, and one of the provisos and it was not until they had that proviso by a gentleman member from the South that they finally passed the extension by one vote, and that proviso said:

Notwithstanding any of the hereinabove, no person subject to this Act shall be compelled to serve outside of the Continental United States, except upon and until a declaration of war or expressly provided so by the Congress.

That is what passed the peace-time draft, and then they also had the so-called Soldiers and Sailors Relief Act, because they had enough sense of probity, those men and maybe a couple of women in that day and time were indeed in touch with their constituents and they knew that if an individual was going to be drafted as compared to another and he was going to have to leave his wife, his children and his job, that they had better protect it, and they did.

As we found out here in the recent so-called Persian Gulf war, that is what saved the necks and the economic equilibrium of most of those families involved in the calling up of the Reserves. Were it not for that Soldiers and Sailors Relief Act of 1940 and 1941 that provided, first, that they would have a job exactly where they had left off; second, if they had a mortgage on their house, they would have some means of saving that house until they could pay, but not more than 6 percent interest.

That is when Congress stood up for their citizens, I would like to see that done today.

I sit on the Banking Committee. How far do you think I would get here, as I have tried for the 30 years I have been here, to try to get some national protection against usury? Why, I would not get any further than I have introducing it here in the hopper.

I am just pointing this out because it shows you how this cynical man, almost malevolent, in his words is saying, "Oh, that is because it is an anachronism." A constitutional mandate that only the Congress can declare war is an anachronism, because his ilk are the kind that brought that about.

Concluding his analysis of the causes of judicial activism, Wilkey again says that congressional paralysis is the heart of the problem.

Well, of course. The Congress is a multi-Member body. It cannot go out here and act as a unitary individual like a President, but that is why we have this system and this is why every one of these branches is delimited constitutionally.

The President, in the words of Madison, is not above or greater. But how many American citizens accept that? In fact, how many Members accept that?

But in the words of Madison, he is just the first among equals. If that is not working, the system is not working, and that is precisely what is happening today and for some time now.

Mr. Simpson in this article in Roll Call goes on to point out that a co-founder of the Society for Law and Public Policy, which sponsored

Wilkey's speech on which the article was based, was E. Spencer Abraham, now the executive director of the National Republican Congressional Committee, and a key architect of GOP efforts to exploit the House Banking scandal for political profit.

The article ends somewhat ominously by quoting from Wilkey's remarks when he retired as a Federal appeals court judge in 1985:

One thing I shall feel freer to do is to speak out on some much-needed reforms in government \* \* \* As an active judge, I have always felt a reluctance, either on or off the bench, to propose such obviously sensible measures as a court-martial jurisdiction for the civil service. Just think of it! It would take only one firing squad to alter the whole quality of performance by your public servants!

This is an ex-judge saying how he really felt on and off the bench. That is exactly the way they felt in Hitler's time.

My own concerns about the Special Counsel were confirmed in his own words by Judge Penn on May 1. Let me quote from the transcript of that hearing again. These words, of course, are alarming and they are chilling to read and hear.

First, what need is there to "clear" the almost 200 users of the House facility that had no overdrafts? Now, I have never made the distinction that any of these records should have been turned over in total, but certainly the 200 that had no overdrafts do not need to be cleared.

Cleared of what?

□ 1800

Second, what happened to the presumption of innocence that underlies our law? This is topsy-turvy: the Special Counsel has not only misstated his charges, he rewrites the Constitution. Indeed, his language betrays his real belief that Members of Congress who used the House bank are guilty until cleared by him.

Now let us go beyond this and the possible biases, I think not just possible but beyond any peradventure of doubt, or prejudices of the Special Counsel. Let us go beyond the possible political motivations of the administration through the Attorney General, one of the most partisan, maybe second only to his immediate predecessor, Attorney General Thornburgh, in creating headlines about the House bank and in having every financial record of all the Members of the opposing political party.

First, I will submit for the RECORD at the conclusion of these remarks so that I may have these document in the RECORD, right at the end of my statement: First, our application to the Supreme Court, dated May 5, 1992, which summarizes the legal and constitutional arguments we asked the Supreme Court to consider; second, my affidavit of May 5, 1992, which was attached to the application; third, my letter dated May 1, 1992, to Judge Penn,



which lays out in detail my response to assertions made by the Special Counsel when he initially subpoenaed all the bank records. I will summarize the most important arguments described by these documents, but I commend all three of these documents to my colleagues in their entirety for a greater understanding of these important issues.

Let me say something here so that those beginning to sort of expect some embarrassment, I believe there was somebody from Roll Call raising a question about who paid for those counsels for the lawyers? I have. I received a statement in full which I paid out of my own personal account.

I had offers, I had offers from a couple of colleagues, incidentally, both on my party's side as well as the other party's side; I had offers from outside individuals who asked and wanted to know if they could help. I said "no." I have asked for this. It is the first time I have gone to court. There have been many occasions I have been asked to go and join other Members in a suit in court. I have not, for one reason: That in those instances, my interpretation was that those were political contests between the President and the Congress and that the court was simply going to say, "This is a political issue. We are not going to get into it." And that is exactly what happened in those four different instances in the past in which I have been invited to join lawsuits.

But I did this on my own initiative because I am so sensitive to the oath I have taken. I have long said, and I think it has kind of taken a smarmy remark, that when I took the oath of office—and I took the oath of office in the State Senate of Texas—it was almost the same. It is very simple. It says, "I swear to defend and protect the Constitution of the United States against all enemies, foreign and domestic, and to serve well and faithfully." And that is what I have tried to do, that is all. That is my oath of office.

I take oaths seriously, and this one above all is the greatest privilege of any human being in the world, to be able to take the oath of office in as great a country as ours is.

So I am very conscious, very much aware of the privileges I have been given to serve, elected by the people first on the local legislative body and then in the State legislative senate and here in the Congress for 31½ years.

Those are privileges that I could not find the words with which to express my profound gratitude. But behind all of that and the bottom of it all is that I would not be here if it were not for that Constitution.

In that very, very toughest election of all, the 1956 race for the Senate, if it had not been for the absolute constitutional protections, I would not be here today. So I am, above all, sensitive to

that. And I have always tried to shape and conform my comportment so that I in my time, and having been granted these privileges, shall act in such a way as to not diminish them one iota for those who will follow, just as those who preceded me made it possible for me to enjoy the benefits and the fruits of freedom and democracy.

Now, the most important constitutional doctrine at stake is the separation of powers. The Constitution is designed to separate the branches of Government, provide for their independence. As our application to the Supreme Court noted, the concern of the writers of the Constitution was that "executive dependence upon the Crown by Parliament had undermined the Parliament." And "dependency is as much fostered by fear or intimidation as by prospect of gain."

The Committee on Banking, Finance and Urban Affairs, of which I am the chairman, has on a regular basis passed legislation affecting the executive branch and engaged in extensive investigations of and conflicts with the executive branch.

My affidavit described a number of the committee's past and current investigations, such as our current investigation of the role of Banca Nazionale del Lavoro, or BNL, in financing a sophisticated Iraqi-controlled network of front companies in the United States, including the Federal Reserve's failure to properly implement the umbrella regulatory structure enacted by Congress to insure that foreign banks operating in the United States are properly supervised. They are not. We have gotten into quite a dither. The executive branch and two Attorneys General, in what they thought would be intimidating fashion, first tried to keep from even having a hearing 2 years ago. It did not succeed, and they will not. But in the meanwhile, there is no question you have these tensions that will arise between these three separate, equal, coordinate, and independent bodies.

That was known. That is what the students, that was what old John Adams in London was writing to the committee members in the Constitution Hall in Philadelphia, saying;

Look, I have studied the history, and here are the examples and the past history where until you had this balance of powers, you would not have any real democracy.

So we have described to the courts these tensions that have arisen, even as I am chairing this committee. Why should I not be concerned, when I know that there is trillions of dollars? And that is a lot of money. When you have that kind of money, you will have a lot of things happen that nobody in this country—the Federal Reserve Board, the banking commissions of the States in which some of these agencies are chartered or the Treasury, much less, and of course the Congress cannot—they cannot tell you right now—this is

what I keep asking these big leaders—the way our laws have been so fractured, and I ought to know, the only international banking law we have was as a result of the hearings that I called in my district in 1975, when I was just a lowly member on that committee. And that led to the first act in 1978.

So I think I am familiar. And I will tell you right now, my colleagues, there is nobody can tell you if there is 100 or 500 of these BNL and BCCI scandals right now. They just happen to have escaped eruption to public attention.

But more sinister than all is that I have good reason to know that a lot of this banking activity is a backdrop for this huge trillion-dollar illegal narcotic, laundering of narcotic money. That is what that trade amounts to today, worldwide. And I have searched history. I have seen the connections between the money-laundering banks in the Far East and Shanghai, their connections with the Canadians and the Canadians, in turn, with the Americans. And let me tell you, do you not think that if the safety and soundness of our banking system is in jeopardy, that I should speak out or remain quiet?

The documents referred to follow:

(In the Supreme Court of the United States)  
(In re Grand Jury Subpoena, dated April 21, 1992)

#### AFFIDAVIT OF HENRY B. GONZALEZ

Henry B. Gonzalez, deposes and says:

I am the Applicant in the above-captioned matter. I am filing this affidavit in support of my motion for a stay.

1. My name is Henry B. Gonzalez. I am a Member of the United States House of Representatives, 102nd Congress. I have represented the Twentieth District of Texas since my election to Congress in 1961. I am Chairman of the Committee on Banking, Finance and Urban Affairs and Chairman of the Subcommittee on Housing and Community Development. I have been a member of the Banking Committee since my election to Congress.

2. On Wednesday, April 29, 1992, I voted against H. Res. 441 which authorized the Sergeant-At-Arms of the House to provide certain records of the disbursing office run by the Sergeant-At-Arms to Special Counsel. The resolution specifically stated that "[n]othing in this resolution shall be construed to deprive, condition or waive the constitutional or legal rights applicable or available to any Member . . . of the House . . . ."

3. I immediately directed that a Motion to Quash the Subpoenas dated April 21, 1992, for the production of documents directed to the Honorable Matthew F. McHugh, Acting Chairman, Committee on Standards of Official Conduct, United States House of Representatives, and to the Honorable Werner W. Brandt, Sergeant-At-Arms of the United States House of Representatives, be filed with the United States District Court of the District of Columbia. The motion was filed at 10:04 p.m. on Wednesday, April 29, 1992. Arguments were heard on Friday, May 1, 1992.

4. The Motion to Quash was denied on Monday, May 4, 1992. I immediately directed that an appeal be filed with the United States

Court of Appeals for the District of Columbia and requested an emergency Stay of the Subpoenas pending appeal. The Motion for Stay of the Subpoenas pending Appeal and the Motion for oral argument were denied.

5. I hereby petition the Supreme Court of the United States for an opportunity to be heard on the significant Constitutional issues, including the role, rights and privileges of the Legislative Branch, raised by this attempt of the Executive Branch to disrupt the internal operations and processes of the House of Representatives.

6. It is my specific duty, and I have taken an oath, to uphold the Constitution of the United States of America. I believe that no vote by a majority of the House of Representatives can waive my rights and privileges as a Member of the House. Of far greater Constitutional importance, I believe that no vote of a majority can waive the Constitutional rights of the people of the Twentieth District I was elected to represent.

7. Rule X, clause 1(d) of the Rules of the House of Representatives sets forth the jurisdiction of the Committee on Banking, Finance and Urban Affairs as follows:

(1) Banks and banking, including deposit insurance and Federal monetary policy.

(2) Money and credit, including currency and the issuance of notes and redemption thereof; gold and silver, including the coinage thereof; valuation and revaluation of the dollar.

(3) Urban development.

(4) Public and private housing.

(5) Economic stabilization, defense production, renegotiation, and control of the price of commodities, rents, and services.

(6) International finance.

(7) Financial aid to commerce and industry (other than transportation).

(8) International Financial and Monetary organizations.

The Banking Committee has 52 members and is the third largest Committee in the House.

8. The Committee on Banking, Finance and Urban Affairs, of which I am Chairman, has on a regular basis passed legislation affecting the Executive Branch and engaged in extensive investigations of and conflicts with the Executive Branch. A brief description of several of these investigations is set forth below. These investigations illustrate the delicate and sometimes adversarial nature of the relationship between the Legislative and Executive Branches, and highlight the necessity that the Legislative Branch be free from the intimidation that I believe these Subpoenas represent:

The Committee is currently investigating the role of Banca Nazionale del Lavoro (BNL) in financing a sophisticated Iraqi-controlled network of front companies in the United States and Europe that were responsible for procuring Western technology and know-how for Iraq. The Federal Reserve's failure to properly implement the Federal umbrella regulatory structure created by Congress to ensure that foreign banks operating in the United States are properly supervised is also a focus of the investigation. As part of this investigation, the Committee is examining the conduct of many departments and agencies of the Executive Branch including the Departments of Agriculture, Commerce, Justice, State, and Treasury, the Board of Governors of the Federal Reserve System, and various Federal Reserve Banks.

In 1990, the Committee investigated the collapse and insolvency of the Federal Savings and Loan Insurance Corporation's insurance fund, including specifically the failure of the Silverado Banking, Savings and Loan

Association, which failure is estimated to cost the taxpayers over \$1 billion. The investigation focused on the failure of Silverado's directors, including Neil M. Bush, son of President Bush, and its officers to meet their fiduciary obligations to the institution, as well as the failure of the Federal Home Loan Bank Board to properly regulate and supervise the institution.

During the first session of the 101st Congress, the Committee considered legislation that would reform the regulatory structure for depository institutions by consolidating the various depository institution regulatory agencies and departments. The legislation submitted by the Treasury Department H.R. 1505, would have placed the consolidated regulator under the Treasury Department. The legislation I introduced, H.R. 6, established an independent depository institution regulator. The Administration strongly opposes the establishment of an independent regulator. This issue was not resolved and will likely be before the Committee again during the second session of the 101st Congress.

A set of reforms to the Federal Housing Administration (FHA) system to restore the financial integrity of the mutual mortgage program insurance was adopted in the Cranston-Gonzalez National Affordable Housing Act, P.L. 101-625. Subsequently, the Department of Housing and Urban Affairs issued regulations imposing an additional limitation on the amount of closing costs that can be financed by a borrower under the FHA program. I introduced legislation, H.R. 4073, the Emergency Community Development Act of 1992, which repeals the limitation on closing costs. The Administration opposes the repeal of this limitation. H.R. 4073 has been adopted by the Committee and is awaiting floor action. In addition, housing reauthorization legislation to be taken up by the Committee on May 13, 1992, also contains a repeal of this limitation.

9. On a regular basis I have to marshal votes of the Members of the Committee as well as Members of the House as a whole to support these investigations and legislative reforms, often in opposition to the Executive Branch.

10. I believe there will be an enormous adverse and chilling effect on the Members' ability to carry out their duties and responsibilities knowing that the Executive Branch holds the records of all their financial transactions in its hands, and knows the political affiliations, charitable contributions, and religious views of each Member as evidenced by those financial records. I believe that through this subpoena action, each and every Member is being threatened by the singular power and long reach of the Executive Branch.

11. I believe that the adverse effects of such intimidation will impede the Constitutional ability of each Member of the House, including myself, to carry out independently our responsibilities.

12. I have attached my Statement on the Floor of the House of Representatives given April 29, 1992, which sets forth in greater detail the Constitutional principles I believe are raised by the subpoena. I have also attached a letter from me delivered to Chief Judge John Garrett Penn, dated May 1, 1992, which includes additional information on the nature of the issues and operations involved in this action.

I declare under penalty of perjury that the foregoing is true and correct.

HENRY B. GONZALEZ.

HOUSE OF REPRESENTATIVES,

Washington, DC, May 1, 1992.

Chief Judge JOHN GARRETT PENN,  
Third and Constitution Avenues, NW., Wash-  
ington, DC.

DEAR JUDGE PENN: I must personally respond to several of the assertions presented in the Memorandum dated April 30, 1992, opposing my Motion to quash the subpoenas which request all the records of transactions, including mine, in the House check-cashing and payroll facility. First of all, no vote of the majority of the House of Representatives or even every member except one, can waive my rights and privileges as a Member of the House of Representatives.

Second, to argue that I, or any other Member of the House of Representatives, have not suffered some actual or threatened injury as a result of these subpoenas ignores both the facts and the law. Every record of every Member is the subject of these subpoenas. The letter from the Attorney General's Special Prosecutor, Malcolm Wilkey, to the Speaker and the Minority Leader dated April 27, 1992, states that the subpoena has the practical effect "of converting each Member into a joint custodian for the records of all." Wilkey goes on to state, "I have, therefore, addressed a letter to each Member, setting forth certain governing law and facts as we know them and dispelling certain misapprehensions." None of my "misapprehensions" were dispelled. These subpoenas do not simply "paint with a broad brush"—they smear the reputation of every elected Member of the House with a single stroke.

The letter from Wilkey to each Member admits the facility "had a unique clientele." I cannot imagine a greater understatement. The members of this cooperative are the elected Representatives of the United States to the House of Representatives. Unique? A more accurate statement is that the Members of this cooperative compose a Constitutionally elected and protected Branch of our government.

No different from any other bank? Wilkey does not understand how other banks are chartered, regulated and insured. This facility was neither chartered nor insured. No State and no agency of the Executive Branch oversaw its operations or examined its books, as is true in the case of any other bank! He describes this facility as a "troubled bank which has been closed". The facility was not a bank and not "troubled" as that term is used by any banking agency to mean not meeting capital standards or having too many nonperforming loans. No banking agency closed this facility. The Members themselves voted to stop its operations. By the way, I was one of the Members who did not vote to suspend its operations.

I might add, that even in the situation of a "normal bank," the normal procedure, since that institution's checking account transactions would total into the millions and millions, is that when there is a legitimate law enforcement inquiry and a specific target, the bank or the banking agency, if a conservator or receiver has been appointed, cooperates. The Legislative Branch is not involved.

The Wilkey letter to each member dated April 27 states that the Attorney General believes [Wilkey] "should have equal access" to any records which the House Ethics Committee had. Not only is that Committee part of the Legislative Branch, the House Ethics Committee had a different function and purpose, as Wilkey himself acknowledges. The letter also states that no one has asserted that these records are connected in any way



with the deliberative or legislative functions of the House. I assume this means that those functions are protected under the Constitution. However, what Wilkey tries to do is imply that the operations of the House, which of course are necessary for us to do our business as legislators, are not protected under the Constitutional doctrine of separation of powers. I emphatically reject this implication.

In fact, Wilkey's letter states that "[A]ll legitimate functions of this banking facility could have been performed by an automatic teller machine." What does this mean? Is he suggesting that this is how we should handle our internal operations? Is he suggesting that an ATM machine would have been protected? Or that, if House operations can be done by an ATM, they are not protected?

The Wilkey letter cites case law for the proposition that a grand jury "can investigate merely on suspicion that the law is being violated, or even just because it wants assurance that it is not." Surely this is not the standard in this case. This would turn the relationship between the Legislative Branch and the Executive Branch, exercised by the Attorney General who is appointed by the Chief Executive, on its head! This Court must state clearly to the Executive Branch that it is dealing with another legitimate Branch of the government, established and protected by our Constitution.

But it is not simply because all our records and the records of the facility have been subpoenaed that I ask for this Court to intervene. The chilling effect of these subpoenas on the legitimate activities of Members of the House cannot be overstated.

The Committee which I chair, and in fact, all the duly constituted Committees and Subcommittees on which every Member of this House sit are charged not simply with the legislative function, which the Wilkey letters dismiss. Just as importantly, these Committees and Subcommittees are responsible for the oversight of numerous activities and functions of the Executive Branch. As part of this critical oversight function, my Committee is faced, on a regular basis, with challenges from the Executive Branch, and specifically, with negotiations and even confrontations with the Justice Department which often represents it.

The Committee on Banking, Finance and Urban Affairs has a long and distinguished history of such investigations. The Committee is currently investigating the role of Banca Nazionale del Lavoro (BNL) in financing a sophisticated Iraqi-controlled network of front companies in the United States and Europe that were responsible for procuring military technology and know-how for Iraq. Document requests have been made to every department and agency involved in the investigation. The Committee has investigated the failure of Federal regulators to prevent the collapse of numerous savings and loan associations, estimated to have cost the depositors insurance funds, and now the taxpayers, billions of dollars.

The Members of the Committee has faced, on a regular basis, conflicts with the Executive Branch and negotiations with the Justice Department. What will be the effect on the Members if they know the Government holds the records of all their financial transactions in its hands? Knows all the political affiliations, charitable contributions, or even religious views each Member financially supports? Isn't that really the purpose and effect of these subpoenas? Isn't each Member being reminded of the long reach of law enforcement, however overreaching, that the Executive Branch can direct?

I ask this Court to read my attached Floor Statement, which talks about the essential Constitutional nature of checks and balances. I ask this Court to uphold this Branch's role, or rights and privileges in the face of the Executive's attempts to disrupt our own internal operations. These subpoenas give the phrase, "power of the purse," new meaning. The effect of compliance will be to turn over our "purses" to the Attorney General.

I ask this Court to quash these subpoenas. Respectfully yours,

HENRY B. GONZALEZ,  
Member of Congress.

STATEMENT OF HENRY B. GONZALEZ, MEMBER,  
UNITED STATES HOUSE OF REPRESENTATIVES,  
APRIL 29, 1992

Mr. Speaker: I rise to place on the record my objections to any procedure which waives the privileges and immunities of Members of Congress, including myself. I rise to stand for and support the independence and constitutional authority of the Congress and this House of Representatives as a coequal branch of this government.

As I wrote in a letter to the joint House leadership yesterday, April 28, 1992, these rights should not be waived by those looking for partisan gain or those afraid to stand up to the fear-driven stampede of the uninformed. And in fact, these rights should not be waived by actions of our leaders or even a vote of the House as a whole. The Congress, and particularly this House of Representatives, is a coequal and independent branch of the government of the United States. We cannot simply deny our duty to defend the first principle of the Constitution and the primary principle of representative government—an independent legislature.

These constitutional principles are far more important than any particular complaint or any current scandal—these principles underlie and give authority to our form of government. Sacrifice them today for expediency and they will be gone when they are needed most desperately, to retain the moral authority and integrity of the Congress as one of the three branches of this government.

Indeed, the American system is an elaborate system of checks and balances. John Adams described them as follows: First, the States are balanced against the general government. Second, the House of Representatives is balanced against the Senate, and the Senate against the House. Third, the executive authority is balanced against the legislature. Fourth, the judiciary is balanced against the legislature, the executive, and the State governments. Fifth, the Senate is balanced against the President in all appointments to office, and in all treaties. Sixth, the people hold in their own hands the balance against their own representatives by periodic elections. Seventh, the legislatures of the several States are balanced against the Congress and eighth, the President and Vice President are balanced by votes of the people. All these are described in historic detail in "Checks and Balances in Government," from *The General Principles of Constitutional Law*, published in 1898, by Thomas Cooley, beginning p. 160.

These checks and balances are essential; they are also delicate and must be protected by each of us. In fact, when we took our oath to uphold the Constitution of the United States, we took an oath to uphold the constitutional coequality of the legislative branch.

This business before us now, a subpoena for our own documents and records, is not some

unimportant precedent. It tramples on our individual rights and on the rights of the body we represent. We must not yield to this demand.

I have objections which are constitutional in nature and I have objections to this subpoena based on the specifics of this case. What follows is simply a summary to help guide us during our deliberations on these matters.

First, let me quote again from *The General Principles of Constitutional Law*, by Thomas Cooley, written almost 100 years ago:

"The authority of the courts is co-ordinate with that of the legislature, neither superior nor inferior; but each with equal dignity must move in its appointed sphere \*\*\*"

"The leading feature of the Constitution is the separation and distribution of the powers of government."

The natural classification of governmental powers is into legislative, executive, and judicial. Each house of the Congress is the judge of the elections, returns, and qualifications of its own members, and may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, expel a member.

Let us remember, first and foremost, any questions about the "House bank" are questions only this body can and must resolve, no other branch of the government.

In addition, I also have a number of very specific complaints about the process in which we find ourselves and let me simply enumerate them now for the record before I come back to the most important objections, the constitutional issues raised by this subpoena:

1. The House "Bank" was never a bank in the legal sense of the word. It was not federally insured or chartered and in fact, operated as a cooperative or pool for the members. Therefore, the records of the "bank", including the records of my own transactions, are still my records and cannot be turned over to anyone.

2. It is neither standard nor common practice for the Justice Department to ask for the records of all of the accountholders of any financial institution, even if the institution has failed. In fact, even requests for the records of all of the borrowers of a failed institution have been held to be overbroad. See *Bank of American National Trust & Savings Association v. Douglas*, 105 F.2d 100, 106, 107, D.C. (1939).

3. It is standard procedure for banks or banking agencies (if a conservator or receiver has been appointed) to cooperate with a criminal subpoena if a particular individual is named and an allegation of specific criminal activity has been made. This subpoena, if we do go beyond the constitutional issues, does not distinguish among Members who have had overdrafts or who haven't and even among those who have had overdrafts, does not distinguish among those Members with regard to any alleged illegal activity. The charge of "check kiting" is simply an attempt to label the overdrafts with another name—it would only be sufficient allegation of criminal activity if this were a real bank and a particular accountholder with the intent to defraud the institution, caused a loss for the institution. None of those facts are present here.

In fact, this request for documents is so overbroad as to be unconstitutional on its face. Yes, grand juries have broad powers—they are not, however, unlimited and they cannot override the Commission.

4. If the House Bank was a bank for the purposes of the Right to Financial Privacy

Act, any subpoena would have to state the "legitimate law enforcement inquiry" and why a particular user of the Bank was a target. Judge Wilkey does not even comply with this broad standard. And if he did, any Member would have the right under RFPA to challenge the subpoena in court under a procedure laid out in the law.

5. Even if RFPA does not apply, the historic common law right of privacy in the relationship between the user of a financial institution and the institution would protect Members in a case like this. The Members who used the cooperative (more properly described), like the accountholders of any institution, will have made checks out to religious, charitable and political organizations which they presumed would remain private and protected under the First Amendment and privacy rights.

6. In one of the most important cases decided on this point, a subpoena from one branch of the government to another, the Supreme Court said specifically that the subpoena would have to be drawn as narrowly as possible to meet constitutional scrutiny. See *U.S. v. Poindexter*, 727 F.Supp. 1501 (D.D.C. 1989) in which the issue was the Court's consideration of a subpoena for documents from former President Reagan. The Court said:

"What is here involved is a clash between two sets of rights . . . the subject is one of both delicacy and difficulty, for significant constitutional and public policy considerations underlie both sets of rights. . . .

"For the constitutional and privacy reasons alluded to above, the Court is not disposed to requiring President Reagan to make wholesale production of documents which ultimately may turn out to contain little or no material evidence." *Id.*, at p. 1510 (italics supplied).

Let me return, as this last case has pointed us, to the more important constitutional issues presented to us here.

We are all familiar with the "speech and debate" clause. This provision, case law teaches us, "not only removes every restriction upon freedom of utterance on the floor of the houses by the members thereof \* \* \* but also applies in short, to things generally done in a session of the House by one of its members in relation to the business before it." See *Kilbourn v. Thompson*, 103 U.S. at pp. 203-204 (1880), cited in *The Constitution and What It Means Today*, Edward S. Corwin, Princeton University Press, 1948.

In fact, the protections and speech and debate clause represents the culmination of a long struggle between the Commons and the King. See *United States v. Johnson*, 383 U.S. 169, 178 (1966); *Eastland v. United States Servicemen's Fund*, 421 U.S. 491 (1975).

The immunities of the speech and debate clause "were not written into the Constitution simply for the personal or private benefit of Members of Congress, but to protect the integrity of the legislative process by insuring the independence of individual legislators." Cited in *United States v. Brewster*, 408 U.S. 501, 507 (1972), from *Coffin v. Coffin*, 4 Mass. 1, 28 (1808).

In fact, on this very important issue of privilege, let me cite this very same Judge Wilkey, using his own words, from his dissent in *Nixon v. Sirica*, 487 F.2d 700, beginning at p. 772:

"The Senate, a Branch of the Government co-equal under our Constitution, decided what would be furnished the court and what retained as confidential, precisely as has the Chief Executive in the case at bar."

"To cite but two of the best known recent examples, similar assertions of Legislative privilege took place with reference to criminal

prosecution in *United States v. Calley* (citations omitted) and *United States v. Hoffa* (citations omitted). Other similar precedents in both Houses are ancient, numerous, and established beyond question in the Legislative Branch." (citations omitted.)

"The principle of separation of powers, with a resulting Judicial privilege, works reciprocally when the demand is made by the Congress instead of to the Congress. In 1953 Mr. Justice Tom Clark refused to respond to a subpoena to appear before the House Un-American Activities Committee, on the ground that the complete independence of the Judiciary is necessary to the proper administration of justice. (italics supplied)

I only wish Judge Wilkey remembered his own words from 1973. This independence cannot be a one way street. If any one of the branches loses its independence, they are each truly diminished.

I also contend that these materials are privileged because they are my documents as a Member of the House of Representatives, not simply because they are "House documents". At the most this "bank" was a cooperative; by using the bank I let them keep, temporarily, some of my records. The bottom line is they are my records and I do not give my permission for anyone to turn them over to another branch of the government.

I could go on and on about the various legal defects in the actions taken by Judge Wilkey. But these arguments only take away from the far more important arguments which the Members of this body must uphold: The duties we perform here are of a public nature and we are responsible to the public, to our electorate. This public accountability is our master and only the public has the right to judge our actions, not an arm of the Administration, the Republicans in this House, not even the media (which since it holds a privileged position under the Constitution itself, should be more aware of and sensitive to the protections the Constitution provides).

Let us not forget the very preamble of the Constitution itself which states specifically that the blessings of liberty for ourselves and our posterity flow from this union, this order, this constitutional structure. When the people created separate legislative and judicial departments of the government, by implication they limited the one from exercising the powers of or over the other. Just as the legislative is forbidden from being judge and jury, this judge or "special prosecutor" is prohibited from interfering with our business.

Let me close with a reminder of the difference between a representative democracy and the monarchy or dictatorships we have rejected:

"When all the powers of sovereignty are exercised by a single person or body, who alone makes laws, determines complaints of their violation, and attends to their execution, the question of a classification of powers can have only a theoretical importance. \* \* But inasmuch as a government with all its powers thus concentrated must of necessity be an arbitrary government, in which passion and caprice is as likely to dictate the course of public affairs as a sense of right and justice, it is a maxim in political science that, in order to the recognition and protection of rights, the powers of government must be classified according to their nature, and each class intrusted for exercise to a different department of the government."

"This arrangement gives each department a certain independence, which operates as a restraint upon such action of the others as

might encroach on the rights and liberties of the people, and makes it possible to establish and enforce guarantees against attempts at tyranny. We thus have the checks and balances of government, which are supposed to be essential to free institutions." From Cooley's *Constitutional Principles*, at p. 44.

I call upon the Speaker of the House, in his capacity as the spokesman for individual Members and their rights, not in his capacity as spokesman for any consensus we reach during our debates on legislation, to just say "no" to Judge Wilkey on my behalf and on the behalf of any other individual Members of this body with a similar request.

I say again, we are dealing with matters of the gravest constitutional importance—principles that date back to Runymede and the Magna Carta—principles that are at the root of free, representative government. We cannot give these principles away, as Judge Wilkey himself has written.

The privileges and immunities of the legislature have always been resented by kings and would-be kings. We are attacked precisely because of our independence. And if we give it away here under a spurious, politically convenient subpoena from a man whose own earlier writings concede the issue (and underlie his error), we are the worst of cowards and we betray our trust as keepers of the Constitution.

[In the Supreme Court of the United States, No. A-821]

HENRY B. GONZALEZ, PETITIONER, v. SPECIAL COUNSEL MALCOLM R. WILKEY, RESPONDENT  
APPLICATION FOR A STAY  
INTRODUCTION

Under Rule 23 of the Rules of this Court and 28 U.S.C. §2101(f), Applicant Henry B. Gonzalez moves the Court for a stay of the judgment of the District Court issued on May 4, 1992, declining to quash a subpoena issued to the House of Representatives. This case raises significant issues of constitutional law, specifically the separation of powers among the three branches of government. Unless this Court issues a stay, however, the case will become moot and escape review by this Court.

Thus far this case has afforded little time either for advocacy by the parties or deliberation by the courts. The subpoena at issue was served on April 21, with a return date of April 30. On Wednesday, April 29, the House passed Resolution 441 directing the House Sergeant-at-Arms to comply with the subpoena. That same day, Applicant Gonzalez, a Member of the House of Representatives and Chairman of the Committee on Banking, Finance and Urban Affairs, filed *pro se* a motion to quash the subpoena and memorandum in support and engaged counsel to represent him before the District Court.

The court denied on April 30 an oral request for a brief continuance and held a hearing on the merits Friday, May 1. On Monday, May 4, at noon, Chief Judge Penn denied the motion to quash, and both he and later the Court of Appeals for the District of Columbia Circuit (per Wald, R.B. Ginsburg, and Sentells, J.J.) denied stays that afternoon. In short, five days elapsed from the date the House passed Resolution 441 to the date the Court of Appeals denied a stay in this matter.

This rush comes despite the fact that the conduct at issue in this case—a blanket subpoena issued by the Executive Branch to the House of Representatives *eo nomine*—raises serious constitutional questions that go to the heart of the structure of the federal Government; and it comes despite the fact that



the only issue at stake for the Executive Branch is whether it received the records yesterday or a few weeks from now.

As the Chief Justice has observed, "the fact that a stay . . . preserves these issues for review in a manner conducive to careful study and consideration is itself a reason to stay the injunction. . . ." *Republican State Central Committee of Arizona v. The Ripon Society Inc.*, 409 U.S. 1222, 1225 (1972).

Because this case raises substantial constitutional questions; because the harm to Representative Gonzalez is irreparable; because the harm to the Special Counsel is insignificant and involves only a brief delay; and finally, because the public interest is seriously implicated by the issues at stake in this case, the Court should enter a stay.

#### BACKGROUND

This case has its genesis in the operation of the Bank of the Sergeant-at-Arms of the House of Representatives. A number of GAO reports had drawn attention to the fact that the Bank honored overdrafts by Members. See generally, *Inquiry Into the Operation of the Bank of the Sergeant-at-Arms of the House of Representatives*, H.R. Rep. No. 452, 102d Cong., 2d Sess. (March 10, 1992) ("House Report"). A GAO audit report dated September 18, 1991, led to widespread attention to the issue of overdrafts. *Id.* at 10. In response, the House by resolution ordered the Bank closed by December 31, 1991. The Bank in fact closed on December 31 with its books in balance and its operations audited. *Id.*

The House Committee on Standards, the so-called Ethics Committee, was instructed to examine operation of the Bank from July 1, 1988, through December 31, 1991. Using the GAO, the Ethics Committee reconstructed the accounts and found no problems with the Bank other than the overdrafts. *Id.* at 3.

Following a resolution, the Ethics Committee released detailed information on 22 Members with extensive overdrafts and the names and number of overdrawn checks for 303 other Members. Applicant Gonzalez, like 169 other Members, had no overdrafts; another 165 had fewer than 10 (Appendix A; Appendix J at 29).

On April 21, 1992, Special Counsel Wilkey issued the same subpoena to Werner W. Brandt, Sergeant-at-Arms of the House of Representatives, and Matthew F. McHugh Acting Chairman, Committee on Standards of Official Conduct, U.S. House of Representatives.<sup>1</sup> The subpoena requires all original microfilm of records of the House Bank for the period July 1, 1988 through December 31, 1991. (Appendix B.)

On April 29, 1992, Special Counsel Wilkey sent a letter to House Minority Leader Robert H. Michel attempting to allay concerns with respect to the breadth of the subpoena. (Appendix C.) Specifically, Special Counsel Wilkey addressed the issue of the 170 accounts at the House Bank which had no overdrafts during the 42-month period the subpoena covers. "We have no interest in or need for the data on the 170 accounts on the facts we now know. . . . We will return these [the records of the 170] to the House unorganized, uncollected, and unreviewed by us."

That same day, April 29, the House passed Resolution 441 directing the Sergeant-at-Arms to provide the microfilmed records of the House Bank to the Special Counsel. (Appendix D.) The Resolution did not presume to affect the rights of individual Members, however: "nothing in this Resolution shall be construed to deprive, condition or waive

the constitutional or legal rights applicable or available to any Member, Officer or employee of the House or any other individual."

Also on April 29, Applicant Gonzalez filed a motion to quash the subpoena with supporting papers in the United States District Court for the District of Columbia. Counsel for Representative Gonzalez were engaged that evening, and the next day Chief Judge Penn ordered all supplemental materials to be filed no later than 4:00 p.m. on April 30.

On Friday, May 1, Chief Judge Penn held oral argument. On Monday, May 4, at approximately 12:00 noon, he denied the motion to quash. (Appendix E.) Later that day he denied a motion to stay his decision. (Appendix F.) The United States Court of Appeals for the District of Columbia Circuit also denied a motion for a stay. (Appendix G.)

That afternoon the House Sergeant-at-Arms provided the FBI with the 41 rolls of microfilm.

#### ARGUMENT

##### A. Standards for the Entry of a Stay

In this Court an applicant may obtain a stay of judgment by showing that there is reasonable probability that four Justices will vote in favor of granting the writ of certiorari, that there is a fair prospect that a majority will conclude that the decision below was erroneous, and that the balance of equities weighs in favor of granting a stay. *Mori v. International Brotherhood of Boilermakers*, 454 U.S. 1301, 1303 (1981) (Rehnquist, J., in chambers); *Gregory-Portland Independent School District v. United States*, 448 U.S. 1342 (1980) (Rehnquist, J., in chambers). The same basic standard applies whether or not the court of appeals has had an opportunity to decide the case on the merits. See *Gregory-Portland*, 448 U.S. at 1342.

B. The Court Is Likely To Conclude That the Decision Below Was Erroneous and To Grant the Writ of Certiorari

The Special Counsel claims that Applicant Gonzalez lacks standing to challenge the House's compliance with the subpoena. On the merits, the Special Counsel argues that the subpoena is not overly broad and is an appropriate exercise of the prosecutorial function. In addition, the Special Counsel would likely argue that this case is now moot. None of these contentions has merit.

##### 1. Mootness

The memorandum order of the District Court stated that production of documents by the House Sergeant-at-Arms would moot this matter. Although there is a line of cases holding that an appeal from enforcement of a subpoena becomes moot once the subpoena has been complied with, see e.g., *EEOC v. St. Regis Paper Co.*, 717 F.2d 1302 (9th Cir. 1983); *United States v. Putnam*, 630 F.2d 458 (6th Cir. 1980), the better authority holds that it is not.

Where subpoenaed documents are wrongfully held or used by the Government, "the controversy remains open as to the Government's continued right to custody of those documents." *FTC v. Gibson Products of San Antonio, Ind.*, 569 F.2d 900, 903 (5th Cir. 1978). The D.C. Circuit recognized the same principle in *FTC v. Browning*, 435 F.2d 96, 97-98 n.1 (D.C. Cir. 1970) (Wilkey, J.), in refusing to hold moot an appeal where appellant complied fully with the subpoena after being denied a stay pending appeal. A continuing controversy existed because appellant was entitled to the return of records in the Government's possession if they were wrongfully subpoenaed.

Other cases have reached the same conclusion. E.g., *Territory of Guam v. Sea-Land Serv-*

*ices, Inc.*, 1992 W.L. 53962 (D.C. Cir. March 24, 1992); *Gluck v. United States*, 771 F.2d 750 (3d Cir. 1985); *United States v. Friedman*, 432 F.2d 928 (3d Cir. 1976); *United States v. Waitman*, 525 F.2d 371, 373 n.1 (3d Cir. 1975).

Surrendering the documents does not render this controversy moot because, if the subpoena is found improper, effective relief—prohibiting review or use of documents or requiring their return—can still be fashioned. Moreover, at argument before the District Court below, the Special Counsel advised that:

"It will take about five days to reproduce the microfilm itself. It will take by the very, very best technology a number of weeks to go through and print the checks and segregate into these two divisions [between those who have overdrafts and those who do not], and then we will have a long chore of analyzing relationships."

(Appendix J at 41). This means that the duplication of the microfilm provided by the House on May 4, 1992, cannot yet have been completed. Weeks still remain before the Special Counsel will have printed and sorted documents ready for substantive review. The actual harm claimed by Representative Gonzalez, through imminent, has not yet been realized. His claim is far from moot.

The case is not moot, in addition, because every day that passes and every day an additional officer of the Executive Branch sees the Applicant's bank records, the harm to the Applicant continues.

##### 2. Standing

Special Counsel argued and the District Court held that this Court's decision in *United States v. Miller*, 425 U.S. 435 (1976), stands as a bar to Applicant Gonzalez's challenge to the subpoena in this case. In *Miller*, the Court held that an individual has no legitimate Fourth Amendment expectation of privacy in financial records held by a bank or other third parties. From this decision, Special Counsel concludes that Applicant Gonzalez has no standing to challenge the subpoena. This conclusion is erroneous.

Congress disagreed with the Court's conclusion in *Miller* that individuals have no expectation of privacy in their financial records. Accordingly, it passes the Right to Financial Privacy Act, 12 U.S.C. 2401 *et seq.*

The legislative history makes clear Congress' concern:

"The title is a congressional response to the Supreme Court decision in the *United States v. Miller* which held that a customer of a financial institution has no standing under the Constitution to contest Government access to financial records. The Court did not acknowledge the sensitive nature of these records, and instead decided that since the records are the 'property' of the financial institution, the customer has no constitutionally recognizable privacy interest in them."

"Nevertheless, while the Supreme Court found no constitutional right of privacy in financial records, it is clear that Congress may provide protection of individual rights beyond that afforded in the Constitution. This was made clear by the Supreme Court in the recently decided case of *Zurcher v. The Stanford Daily* where the majority stated that 'Of course, the Fourth Amendment does not prevent or advise against legislative or executive efforts to establish non-constitutional protections against possible abuses. . . .'"

H.R. Rep. No. 1383, 95th Cong., 2d Sess. 34 (1978), reprinted in 1978 U.S.C.A.N. 9273, 9306.

In general, the Act limits governmental access to the records of bank customers. 12

<sup>1</sup>Apparently the Special Counsel was unclear who actually had custody of the subpoenaed materials.

U.S.C. §3402. If the Government subpoenas bank records, it must provide notice to the customer, *id.* §3407, who may challenge the subpoena. *id.* §3410. To be sure, the provisions of the Act requiring the Government to provide notice do not apply to subpoenas issued in connection with grand jury proceedings; and a "court shall have authority to order a financial institution, on which a grand jury subpoena for customer records has been served, not to notify the customer of the existence of the subpoena. . . ." *id.* §3413(i) (italic added).

In this case, however, the Sergeant-at-Arms was not instructed by Special Counsel not to inform the Members that their records were being subpoenaed. To the contrary, the Members were notified that a subpoena had issued. By implication of §3413(i), therefore, the Members had the right to challenge the subpoena. See *id.* §3410(c). Nor could the statute be plausibly construed as prohibiting a citizen fully notified of a subpoena, as Representative Gonzalez has been so notified, from seeking judicial relief where appropriate.

The Special Counsel himself believed the Members had a right to challenge the subpoena. In a letter to the Speaker of the House dated April 21—the date the subpoenas were issued—Special Counsel provided assurance that "with a subpoena the secrecy of Grand Jury proceedings and the provisions of the Right to Financial Privacy Act will apply to the banking records." (Appendix H at 2; emphasis added).

Resolution 441, moreover, which authorized release of the bank records, presumed that the Members could challenge the subpoena: "nothing in this Resolution shall be construed to deprive, condition or waive the constitutional or legal rights applicable or available to any Member, Officer, or employee of the House or any other individual." (Appendix D.) Accordingly, Representative Gonzalez has a right to challenge the subpoena in circumstances where any other American would have standing.

Aside from his standing as a private citizen, Representative Gonzalez has standing under the Constitution as a Congressman to challenge this subpoena. As a Member of a co-equal branch of the Government, Representative Gonzalez has standing to challenge a subpoena that undermines his ability to discharge his constitutional duties.

We will not belabor the significance of the Separation of Powers doctrine to our constitutional scheme. This Court is well aware of the Founding Fathers' concern that excessive dependence upon the Crown by Parliament had undermined Parliament. "[T]he crown, acting through its chief officers of state, far from being distinct in interest from the Commons and the Lords and no more than an equal co-partner with them in the legislature, operated with elements of both in both Houses to achieve in effect a mastery of the whole government which is maintained with rare interruptions through the [seventeenth] century." Bernard Bailyn, *The Origins of American Politics* (1968) at 24. Or as articulated by Madison, "It is equally evident that the members of each department should be as little dependent as possible on those of the others for the emoluments annexed to their offices." *The Federalist Papers* No. 51. Dependency is as much fostered by fear or intimidation as by prospect of gain.

In short, the Founding Fathers were concerned about any constitutional arrangement that left any branch unduly and unnecessarily vulnerable or beholden to any other branch.

It is important that these ancient concerns be placed in the context of this case. Applicant Gonzalez is Chairman of the House Committee on Banking, Finance and Urban Affairs. As he explains in an affidavit, this important committee routinely passes legislation affecting the Executive Branch and frequently investigates that Branch. (Appendix I.)

Chairman Gonzalez's affidavit summarizes his committee's face-to-face dealings with the Executive Branch that arise under the Constitution:

"The Committee is currently investigating the role of Banca Nazionale del Lavoro (BNL) in financing a sophisticated Iraqi-controlled network of front companies in the United States and Europe that were responsible for procuring Western technology and know-how for Iraq. The Federal Reserve's failure to properly implement the Federal umbrella regulatory structure created by Congress to ensure that foreign banks operating in the United States are properly supervised is also a focus of the investigation. As part of this investigation, the Committee is examining the conduct of many departments and agencies of the Executive Branch including the Departments of Agriculture, Commerce, Justice, State, and Treasury, the Board of Governors of the Federal Reserve System, and various Federal Reserve Banks.

"In 1990, the Committee investigated the collapse and insolvency of the Federal Savings and Loan Insurance Corporation's insurance fund, including specifically the failure of the Silverado Banking, Savings and Loan Association, which failure is estimated to cost the taxpayers over \$1 billion. The investigation focused on the failure of Silverado's directors, including Neil M. Bush, son of President Bush, and its officers to meet their fiduciary obligations to the institution, as well as the failure of the Federal Home Loan Bank Board to properly regulate and supervise the institution.

"During the first session of the 101st Congress, the Committee considered legislation that would reform the regulatory structure for depository institutions by consolidating the various depository institution regulatory agencies and departments. The legislation submitted by the Treasury Department, H.R. 1505, would have placed the consolidated regulator under the Treasury Department. The legislation I introduced, H.R. 6, established an independent depository institution regulator. The Administration strongly opposes the establishment of an independent regulator. This issue was not resolved and will likely be before the Committee again during the second session of the 101st Congress.

"A set of reforms to the Federal Housing Administration (FHA) system to restore the financial integrity of the mutual mortgage program insurance was adopted in the Cranston-Gonzalez National Affordable Housing Act, P.L. 101-625. Subsequently, the Department of Housing and Urban Affairs issued regulations imposing an additional limitation on the amount of closing costs that can be financed by a borrower under the FHA program. I introduced legislation, H.R. 4073, the Emergency Community Development Act of 1992, which repeals the limitation on closing costs. The Administration opposes the repeal of this limitation. H.R. 4073 has been adopted by the Committee and is awaiting floor action. In addition, housing reauthorization legislation to be taken up by the Committee on May 13, 1992, also contains a repeal of this limitation." Appendix I<sup>8</sup>.

As he concludes, "[t]hese investigations illustrate the delicate and sometimes adver-

sarial nature of the relationship between the Legislative and Executive Branches, and highlight the necessity that the Legislative Branch be free from the intimidation that I believe these Subpoenas represent." *Id.* The discharge of Chairman Gonzalez's duties is compromised if he must worry about whether the judgment of Members of his committee is impaired or compromised by the existence of an investigation by the Executive Branch.

The Applicant does not suggest that he or any other Member of Congress is or should be immune from operation of the judicial process; is or should be free from grand jury investigation. Like other citizens Members of Congress are answerable for their acts. But sweeping grand jury subpoenas to the House as a whole, affecting the personal legal rights and affairs of every sitting Member, threaten that institution in a way that is abhorrent to the Constitution.

Accordingly, as a Member of a co-equal branch, Applicant Gonzalez has standing to challenge the subpoena as a threat to the lawful conduct of his constitutional responsibilities.

He has standing because as both a citizen and a Member of the House of Representatives, he can:

"[S]how that he personally has suffered some actual or threatened injury as a result of the putatively illegal conduct of the defendant. . . . and that injury 'fairly can be traced to the challenged action' and 'is likely to be redressed by a favorable decision'."

*Valley Forge Christian College v. Americans United for Separation of Church and State, Inc.*, 454 U.S. 464, 472 (1982) (citations omitted).<sup>2</sup>

### 3. Overbreadth

Special Counsel claims, and Chief Judge Penn apparently agrees, that the standards set forth in the Court's decision in *United States v. R. Enterprises Inc.*, 111 S. Ct. 722 (1991), govern the issuance of a grand jury subpoena to the U.S. House of Representatives. That case, which concerned the investigation of a company allegedly transporting obscene materials interstate, held that a grand jury subpoena will be enforced unless the court determines that there is "no reasonable possibility that the category of materials the Government seeks will produce information relevant to the general subject of the grand jury's investigation." 111 S. Ct. at 728. *R. Enterprises*, however, never purported to determine the breadth of a subpoena issued to a co-equal branch of Govern-

<sup>2</sup>The District Court suggested two procedural grounds for denying the stay. First, because Resolution 441 directed the Sergeant-at-Arms to turn over the records by noon Monday, May 4, whereas the subpoena had a return date of May 5, the court suggests that a stay of the subpoena would not "necessarily afford the relief movants seek." Appendix F at 2. In a similar vein, the court suggests that while the Sergeant-at-Arms is not a party, the "movants really seek to have the Court enjoin the House of Representatives from turning over the records." *Id.* at 2-3.

Neither of these reasons justifies denial of the stay. Resolution 441 was predicated on the issuance of the subpoena by the Special Counsel. And the Resolution expressly reserves the "legal rights applicable or available to any Member. . . ." Appendix D. Finally, early Monday afternoon before the microfilm was surrendered and while Applicant Gonzalez was seeking a stay, Counsel for the House represented that he would honor any stay issued by the courts.

Accordingly, there are no grounds for believing either that a stay would not "afford the relief" Applicant Gonzalez seeks or that he really seek[s] to . . . enjoin the House of Representatives. . . ."



ment. The *R. Enterprises* Court suggests as such by refraining from expressing a view with respect to a constitutional claim that had been raised, but not decided, in the lower court. 111 S. Ct. at 728.

The proposition that *R. Enterprises* establishes the standard by which subpoenas are adjudged is fundamentally wrong. For this standard fails to give appropriate deference to a co-equal branch; indeed this standard tends to diminish the Congress.

Although this Court has never decided the standards that apply to a subpoena issued to the House as a whole, other cases provide some guidance. In *Nixon v. United States*, for example, the Court subjected a subpoena to the President to exacting scrutiny:

"In a case such as this . . . where a subpoena is directed to a President of the United States, appellate review, in deference to a coordinate branch of Government, should be particularly meticulous to ensure that the standards of Rule 17(c) have been correctly applied." *United States v. Burr*, 25 F. Cas. pp. 30, 34 (No. 14,692d) (CC Va. 1807).

418 U.S. 683, 702 (1974). *Accord*, e.g., *United States v. Poindexter*, 727 F. Supp. 1501, 1505 (D.D.C. 1989).

It is true that *Nixon* did not address grand jury subpoenas, as *R. Enterprises* observes. 111 S. Ct. at 727. Nonetheless, a grand jury subpoena addressed to a coordinate branch requires a heightened level of scrutiny, because of the risks that interbranch disputes inherently involve.

Certainly the Congress is entitled to as much deference as is the Executive Branch. The Congress should no more be subject to a limitless subpoena than should the Executive Branch. The Special Counsel seems tacitly to admit this. In his letter to Representative Michel, he refers to his obligation to guard the integrity of the records, "being aware that they are . . . the personal records of Members of a coordinate branch of Government." (Appendix C). Thus, *R. Enterprises* is not a sure guide to resolution of this matter.

The proof of this particular pudding, however, is that even under the standards of *R. Enterprises*, the subpoena in this case fails, by the admission of the Special Counsel. In the matter of the 170 Members without overdrafts, Special Counsel admits in his letter of reassurance to Representative Michel:

"[W]e have no interest in or need for the data on the 170 accounts on the facts we now know. . . . We have technological facilities which will enable us to separate the 170 as a group from the other accounts as a group quickly. We will return these to the House unorganized, uncollected, and unreviewed by us." (Appendix C.)

By his own admission, therefore, Special Counsel has no need for the records of the 170 present and former congressmen who wrote no overdraft checks. The Special Counsel's admission provides his own definition of overbreadth: that records are concededly not needed is a complete defense to a subpoena even under the stringent standards of *R. Enterprises*.

By the same token, the Special Counsel could not explain the need for all records for all months of those Members with a smattering of overdrafts. As stated, 165 Members had fewer than 10 overdrafts over the 42 months covered by the subpoena. Yet their records for months, even years, when there were no overdrafts whatsoever are subject to production. This indiscriminate production would apply, for example, to Members such as those appearing along with Representative Gonzalez before the District Court, who has a

single overdraft (in one case in the amount of 38¢) or a total of four all occurring on one day.

Why then is the Special Counsel insisting that these records be provided? There is no clear answer to this in the record. During argument in the District Court, however, Special Counsel Wilkey stated:

"Now, there is a third fact and reason that I wanted to call to the Court's attention, why we need these records, the microfilm, in the way that we have asked for them, and this is that the mission of the Grand Jury and my mission is not just to indict, but the mission is also to clear people, to declare that they are not suspected of criminal violations. When the Attorney General called me in late March, and asked me to undertake this task, the first thing he said is, 'The first thing we want to do, and as quickly as possible, is separate those—and we think they'll be the very, very large number of those House Members who may have made overdrafts, but who have made overdrafts perfectly innocently, and are not guilty of any criminal violation, and the, secondly, to go on with those who conceivably might have some criminal violation, and look into their affairs in a more intensive investigation.' He said, 'What I want you to do is to look at this situation overall, and make a report to me, and see how many of these people we can say as quickly as possible are not guilty of any criminal violation.'" And, Your Honor, it will be impossible for me to do that, unless the Grand Jury is given all of these records.

"I could not, and the Grand Jury could not in performing its normal function say in good conscience that these members are clearly not guilty of any violations of law, unless we have had the usual look at the records that examiners of any troubled financial institution would have. And so we want this, not just to find out wrongdoing, but also to clear people." Transcript of Hearing, May 1, 1992 at 42-43 (emphasis added). (Appendix J.)

This claim is astonishing. It is doubtful whether any prosecutor has warrant to decide which citizens are presumptively innocent and which are guilty. But it is quite clear that when an Executive Branch of one political party undertakes during an election year to declare which Members of the Legislative Branch controlled by the other party are innocent of wrongdoing, the core values of the Separation of Powers doctrine are in jeopardy.

#### C. Balance of Equities

The balance of equities clearly favors entry of a stay. On the one hand, Special Counsel will not be irreparably injured by the entry of a stay in this matter. He has an interest, of course, in duly completing the mandate given him by the Attorney General. But any injury caused by delay is not irreparable. The passage of the few weeks required for "review in a manner conducive to careful study and consideration," *Republican State Central Committee*, 409 U.S. at 1225, will cause a brief delay and nothing more.

By contrast, failure to enter a stay will cause Applicant Gonzalez irreparable harm. There are fewer records more private than personal bank records. To know a man's bank records is to know the man. Through them one can determine a person's friends, his associations, his causes, his church, his beliefs, his medical treatments and condition. A subpoena of such records is always intrusive. When directed toward all Members of Congress, the intrusion works its ill effect on both privacy and, recent history shows, the nation's politics. For those who like Applicant Gonzalez wrote no overdrafts, the in-

trusion is particularly egregious and irreparable.

The public too has a keen interest in a stay. The crux of this case is whether the Special Counsel may obtain volumes of personal financial records he concededly does not need from all Members of a co-equal branch of Government. The Government's possession of these records must severely affect Members as individuals vitally concerned with their privacy. No less important to the public, it threatens the impartial conduct of their Constitutional duties. It is not fanciful to assume, or for the public to fear, that Members in their day-to-day dealings with the Executive Branch will be reluctant to bite the hand that inexplicably is investigating them and that possesses their most intimate personal records.

It is not sufficient for the Special Counsel to appeal, as he does, to logistical expedience, particularly where he seeks the complete financial records of 170 U.S. Congressmen, like Representative Gonzales, who did not overdraw a single check. This argument of expedience is no more appropriate where years of a Member's records are demanded on the basis of only a single overdraft, or four on one day, or a handful scattered over two or three months out of 42. It serves the public interest to resolve this case in an orderly fashion after due deliberation.

#### CONCLUSION

For the reasons stated, this Court should enter a stay so that the court of appeals may expeditiously review this case on the merits.

Accordingly, we request that the Court either: (1) order the return of the original 41 rolls of microfilm to the Sergeant-at-Arms of the House and the destruction of all copies or notes that have been made therefrom; or (2) order the sequestration of the original 41 rolls of microfilm and all copies and notes made therefrom and an immediate halt to all use of the materials pending resolution of this matter.

Respectfully submitted,

ROBERT F. BAUER

ROBERT L. DEITZ

BENJAMIN S. SHARP

MARTIN P. WILLARD

Counsel for Congressman Henry B. Gonzalez.

May 6, 1992.

[In the Supreme Court of the United States]  
HENRY B. GONZALEZ, PETITIONER, v. SPECIAL  
COUNSEL MALCOLM R. WILKEY, RESPONDENT

#### CERTIFICATE OF SERVICE

I hereby certify that on May 6, 1992, three true and correct copies of the Application For A Stay and the Appendix to the Application For A Stay were hand delivered on the following:

Kenneth W. Starr, Solicitor General, U.S. Department of Justice, 10th & Constitution Avenue, N.W., Room 5143, Washington, D.C. 20530

ROBERT L. DEITZ.

□ 1810

Well, Mr. Speaker, those are the attempts that are going to arouse the antagonism of those who are in power and feel embarrassed.

Now to me, if I am proven to be wrong, I accept it, and then I try to correct it, but this is not human reaction in most instances where power is being held. The idea that one would be embarrassed by being shown as having made a serious error or flaw in judg-

ment is very embarrassing. But I do not think that that embarrassment should be at the expense of the national wellbeing and, particularly, the safety and soundness of our banking system which is in great jeopardy today. I cannot arouse the concern that I wish were there.

Mr. Speaker, we are examining the conduct of many departments and agencies of the executive branch's part of this investigation. Of course they are resentful. Of course they try to circumvent us. Of course they do a lot of other things.

Of course there are powerful interests in Europe, and the Middle East and elsewhere that have already sent their warnings. I have got them. But, heck, I have had warnings since I was in the city council. I have even been shot at.

So, there is nothing to be done about that other than to say, "When you touch that, it's like a web. You touch one end, and everything else shakes, and especially when you have a trillion dollars there, of course, men of power, whether it is money power or political power, as Frederick Douglass said, Power never yields except to demand and it never has, and it never will."

In 1990 the committees investigated the collapse and insolvency of the Federal Savings and Loan Insurance Corporation fund, during this administration and the prior administration's policies of deregulation. In 1982 and 1990 I was the only member of this committee voting no on what now they say was the cause, the passage of those deregulatory actions. It was lonely; of course it was. But then what did we ask for? To get elected to do what? Have parties, and playtimes and easy solution to things? Then we ought to quit.

This investigation included the failure of the Silverado Savings and Loan Bank, which failure is estimated to cost the American taxpayers over \$1 billion. On the board of directors was the President's son. Nobody can say; in fact to the contrary I had notes of thanks that that matter was handled equally, fairly, and with no attempt to embarrass anybody, and we listed the facts.

Mr. Speaker, that is what the record shows. We did not have to strain to try to make a point that we were going to show how one party is more dishonest or immoral than another. Corruption, and I have told this to my colleagues for years, is bipartisan. When anybody starts thinking that his party is all swans and the other one is all ducks, he better think again.

In 1990 the committee investigated the insolvency of all these institutions. Some of them did bring about implied political threats, this, that and the other, and I could go on and describe the other investigations. But I will not. I believe there will be an enormous adverse and chilling effect on the Mem-

bers' ability to carry out their duties and responsibilities knowing that the executive branch holds the records of all their financial transactions in its hands, knows of political or charitable contributions they have made, or their religious views, as evidenced by those records. I believe that through this subpoena action each and every Member has been threatened by the singular power and the long reach of a very partisan, and in the words and in the mouths of Wilkey, very insidious executive branch.

Mr. Speaker, I appreciate the time allowed to me tonight because these issues are indeed important to every Member of this House. We must remain vigilant, watch the actions of the special counsel as they affect each and every one of us, and I intend to continue in the struggle, and I intend to revisit judicially this issue as soon as proper and competent counsel advises and endorses a judgment. I think that would bring it about soon.

But of greater importance are the principles at stake. It is my specific duty, and I have taken that oath, and I repeat it, to uphold this Constitution. The Constitution does not simply protect the Members of this body. The principles it embodies protect the people of the 20th District of Texas that I was elected to represent and, indeed, every citizen of the United States. If the executive branch, through the Attorney General, can trample on my rights, it really tramples on the people who elected me and on every American. We all must stand firm against this invasion of, not just our financial privacy, but our right to remain free from the intimidation by the unwarranted intrusion by the executive branch into the prerogatives of the legislative branch.

#### REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 5428, MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-606) on the resolution (H. Res. 498) waiving certain points of order against the bill (H.R. 5428) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACCHUS (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. YOUNG of Florida (at the request of Mr. MICHEL) for today on account of official business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. RIGGS, for 60 minutes, on June 24.

Mr. ALLEN, for 5 minutes, today.

Mr. BEREUTER, for 30 minutes each day, on today and June 23.

Mr. DREIER of California, for 5 minutes, today.

Mrs. BENTLEY, for 60 minutes each day, on July 7, 8, 9, 10, 21, 22, 23, 24, 28, 29, 30, and 31.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DORNAN of California, on H.R. 1624, today.

Mr. FROST, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$1,762.

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. VANDER JAGT.  
Ms. ROS-LEHTINEN in six instances.  
Mr. ARMEY.  
Mrs. ROUKEMA in three instances.  
Mr. CAMPBELL of California.  
Mr. BEREUTER.  
Mr. GILMAN.  
Mr. CUNNINGHAM.  
Mr. NUSSLE.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.  
Mr. GONZALEZ in 10 instances.  
Mr. BROWN in 10 instances.  
Mr. ANNUNZIO in six instances.  
Mr. ROE in two instances.  
Mr. HOYER.  
Mr. BLACKWELL.  
Mr. FORD of Michigan.  
Mr. SKELTON.  
Mr. DOWNEY.  
Mr. SCHEUER.  
Mr. KANJORSKI.  
Ms. DELAULO.  
Mr. TORRICELLI.  
Mr. ORTIZ.  
Mr. THOMAS of Georgia.  
Mrs. SCHROEDER.  
Mr. LAROCO.  
Mr. TRAFICANT.  
Mr. SCHUMER.

#### ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that



that committee had examined and found truly enrolled a bill of the House of the following title, which were thereupon signed by the Speaker:

H.R. 5132. An act making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes.

#### ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 23, 1992, at 12 noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3778. A letter from the Secretary, Housing and Urban Development, transmitting the Department's 5-year energy efficiency plan for the 5 years from 1992 through 1996, pursuant to Public Law 101-625, section 945(d) (104 Stat. 4416; to the Committee on Banking, Finance and Urban Affairs.

3779. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a study on the transfer of imputed interest on required reserve balances to the deposit insurance funds; to the Committee on Banking, Finance and Urban Affairs.

3780. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination that the People's Republic of Angola has ceased to be a Marxist-Leninist country, pursuant to 12 U.S.C. 635(b)(2)(C); to the Committee on Banking, Finance and Urban Affairs.

3781. A letter from the Director, Defense Security Assistance Agency, transmitting an addendum to the listing of all outstanding Letters of Offer to sell any major defense equipment for \$1,000,000 or more; an addendum to the listing of all Letters of Offer that were accepted, as of March 31, 1992, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

3782. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Nicolas Miklos Salgo, of Florida, to be Ambassador to Sweden; of Charles B. Salmon, Jr., of New York, to be Ambassador to the Lao People's Democratic Republic; of Ruth A. Davis, of Georgia, to be Ambassador to the Republic of Benin; of Jon M. Huntsman, of Utah, to be Ambassador to the Republic of Singapore; of Irvin Hicks, of Maryland, to be Deputy Representative of the United States in the Security Council of the United Nations with the rank of Ambassador, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3783. A letter from the Secretary of Agriculture, transmitting the Secretary's management report for the 6-month period ending March 31, 1992, pursuant to Public law

100-504; to the committee on Government Operations.

3784. A letter from the Secretary of Agriculture, transmitting a statement of intent for the evaluation of a land exchange between the U.S. Forest Service and Kootznook, Inc., pursuant to a Public Law 101-378, section 203(a) (104 Stat. 469); to the Committee on Interior and Insular Affairs.

3785. A letter from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3786. A communication from the President of the United States, transmitting a copy of a proclamation that extends nondiscriminatory treatment to the products of Romania; also enclosed is the text of the "Agreement on Trade Relations Between the Government of the United States of America and the Republic of Romania," which was signed on April 3, 1992, pursuant to 19 U.S.C. 2437(A) (H. Doc. No. 102-347); to the Committee on Ways and Means and ordered to be printed.

3787. A letter from the Deputy Assistant Secretary for the Environment, Department of Defense, transmitting notification that the report pursuant to 10 U.S.C. 2706 will be submitted shortly; jointly, to the Committees on Armed Services and Energy and Commerce.

3788. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Social Security Act to improve and make more efficient the provision of medical and health insurance information, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

3789. A letter from the Comptroller, Department of Defense, transmitting the Secretary's notification of the obligation of funds pursuant to an agreement being negotiated between the DOD and the Russian Federation concerning the safe destruction of chemical weapons; jointly, to the Committees on Foreign Affairs and Appropriations.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FASCELL: Committee on Foreign Affairs. Supplemental Report on H.R. 4547, (Rept. 102-569, Pt. 2). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 2828. A bill to amend the Ethics in Government Act of 1978 to remove the limitation on the authorization of appropriations for the Office of Government Ethics (Rept. 102-586, Pt. 1). Ordered to be printed.

Mr. BROOKS: Committee of Conference. Conference Report on S. 429 (Rept. 102-605). Ordered to be printed.

Mr. HALL of Ohio: Committee on Rules. House Resolution 498. Resolution waiving certain points of order against the bill (H.R. 5428) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes (Rept. 102-606). Referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 240. A bill for the relief of Rodgito Keller; with an amendment (Rept. 102-587). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 760. A bill to permit Willie D. Harris to present a claim against the United States in the manner provided for in chapter 171 of title 28, United States Code, and for other purposes (Rept. No. 102-588). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 761. A bill to waive the foreign residency requirement for the granting of a visa to Amanda Vasquez Walker (Rept. 102-589). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 1100. A bill for the relief of Luis Fernando Bernate Christopher; with an amendment (Rept. 102-590). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 1101. A bill for the relief of William A. Cassity; with an amendment (Rept. 102-591). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 1123. A bill for the relief of Howard W. Waite; with amendment (Rept. 102-592). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 1280. A bill for the relief of Earl B. Chappell, Jr. (Rept. 102-593). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 1759. A bill for the relief of James B. Stanley; with amendments (Rept. 102-594). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 2156. A bill for the relief of William A. Proffitt; with an amendment (Rept. 102-595). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 2193. A bill for the relief of Elizabeth M. Hill (Rept. 102-596). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 2490. A bill for the relief of Christy Carl Hallien of Arlington, TX (Rept. 102-597). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 3288. A bill for the relief of Olufunmilayo O. Omokaye (Rept. 102-598). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 3289. A bill for the relief of Carmen Victoria Parini, Felix Juan Parini, and Sergio Manuel Parini, with an amendment (Rept. 102-599). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 3590. A bill for the relief of Lloyd B. Gamble (Rept. 102-600). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. House Resolution 29. A resolution for the relief of Global Exploration and Development Corp., Kerr-McGee Corp., and Kerr-McGee Chemical Corp.; with amendments (Rept. 102-601). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. S. 249. An act for the relief of Trevor Henderson (Rept. 102-602). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. S. 295. An act for the relief of Mary P. Carlton and Lee Alan Tan; with an amend-

ment (Rept. 102-603). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. S. 992. An act to provide for the reimbursement of certain travel and relocation expenses under title 5, United States Code, for Jane E. Denne of Henderson, NV (Rept. 102-604). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL of California:

H.R. 5447. A bill to reauthorize the program under title XII of the National Housing Act to provide reinsurance through the Federal Emergency Management Agency against property losses resulting from riots or civil disorders; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CARR:

H.R. 5448. A bill to amend the Solid Waste Disposal Act to prohibit the transportation of solid waste from the State in which the waste was generated to another State for purposes of treatment, storage, or disposal, unless the State in which the waste was generated has in effect a law prohibiting non-returnable beverage containers; to the Committee on Energy and Commerce.

By Ms. DeLAURO (for herself and Mr. SCHUMER):

H.R. 5449. A bill to amend title 18, United States Code, to provide enhanced penalties for commission of fraud in connection with the provision of or receipt of payment for health care services, and for other purposes; to the Committee on the Judiciary.

By Mr. EDWARDS of Oklahoma:

H.R. 5450. A bill to repeal the Americans with Disabilities Act of 1990; jointly, to the Committee on Education and Labor, Energy and Commerce, Public Works and Transportation, and the Judiciary.

By Mr. HALL of Texas (for himself, Mr. BILIRAKIS, Mr. BRYANT, Mr. FIELDS, Mr. RICHARDSON, Mr. TOWNS, and Mr. HASTERT):

H.R. 5451. A bill to amend titles XVIII and XIX of the Social Security Act to revise the criteria for decertifying a nurse aide trained and competency evaluation program operated by a nursing facility, to repeal requirements under such titles for preadmission screening and annual resident review by such facilities, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HUGHES (for himself, Mr. FOGLIETTA, Mr. ROE, Mr. BORSKI, Mr. DWYER of New Jersey, Mr. MURPHY, and Mr. GALLO):

H.R. 5452. A bill granting the consent of the Congress to a supplemental compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey concerning the Delaware River Port Authority; to the Committee on the Judiciary.

By Mr. KENNEDY:

H.R. 5453. A bill to designate the Central Square facility of the U.S. Postal Service in Cambridge, MA, as the "Clifton Merriman Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. KENNEDY (for himself and Mr. ROYBAL):

H.R. 5454. A bill to amend title XVIII of the Social Security Act to provide for a long-term care program for all Americans; jointly,

to the Committees on Energy and Commerce and Ways and Means.

By Mr. KILDEE:

H.R. 5455. A bill to amend title 18, United States Code, to provide a criminal penalty for dumping solid waste on certain Federal lands and to increase the fine for illegally cutting, destroying, or transporting timber on Federal lands, to establish programs to decrease the illegal dumping of solid waste on certain Federal lands, and to establish programs to recycle solid waste on certain Federal lands; jointly, to the Committees on the Judiciary, Energy and Commerce, Interior and Insular Affairs, Merchant Marine and Fisheries, and Agriculture.

By Mr. SCHUMER (for himself and Mr. KASICH):

H.R. 5456. A bill to provide for a reduction in United States economic assistance to any independent state of the former Soviet Union that exports goods, equipment, or technology in contravention of certain non-proliferation regimes; to the Committee on Foreign Affairs.

By Mr. TORRICELLI (for himself, Mr. ROHRBACHER, Mr. BROWN, Mr. WALKER, Mr. VALENTINE, and Mr. LEWIS of Florida):

H.R. 5457. A bill to direct the Secretary of Transportation to issue rules which require vessels operating in harbors in the United States to use state-of-the-art maritime vessel traffic control equipment, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Science, Space, and Technology.

By Mr. WALSH:

H.R. 5458. A bill to authorize the Secretary of Agriculture to carry out a grant program to increase the international competitiveness of the forest products industries in the United States; to the Committee on Agriculture.

By Mr. JONES of North Carolina (for himself, Mr. HERTEL, Mr. STUDDS, Mr. MANTON, Mr. HUGHES, Mr. LANCASTER, Mr. RAVENEL, Mr. WELDON, and Mr. SOLARZ):

H.R. 5459. A bill to implement the Protocol on Environmental Protection to the Antarctic Treaty, and for other purposes; jointly, to the Committee on Merchant Marine and Fisheries, Science, Space, and Technology, and Foreign Affairs.

By Mr. GEPHARDT (for himself and Mr. MICHEL) (both by request):

H.J. Res. 512. Joint resolution to approve the extension of nondiscriminatory treatment with respect to the products of Romania; to the Committee on Ways and Means.

By Mr. GILLMOR:

H.J. Res. 513. Joint resolution proposing an amendment to the Constitution of the United States to provide for a runoff election for the offices of the President and Vice President of the United States if no candidate receives a majority of the electoral college; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

488. By the SPEAKER: Memorial of the Legislature of the State of Louisiana, relative to Louisiana Army National Guard; to the Committee on Armed Services.

489. Also, memorial of the Assembly of the State of California, relative to the Martin Luther King, Jr. Federal Holiday Commission; to the Committee on Post Office and Civil Service.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. SAVAGE, Mr. ZIMMER, Mr. SANGMEISTER, Mr. JOHNSTON of Florida, Mr. VALENTINE, Mr. SHAYS, Mr. NOWAK, Mr. WEISS, Mr. DEFazio, Mr. MFUME, Mr. HAYES of Illinois, Mr. SCHEUER, Mr. BUSTAMANTE, Mrs. LOWEY of New York, Mr. MARKEY, Mr. PAXON, Mr. QUILLLEN, Mr. EMERSON, Ms. KAPTUR, and Mr. PETERSON of Minnesota.

H.R. 319: Mr. DOWNEY.

H.R. 1066: Mr. CLAY.

H.R. 1572: Mr. NUSSLE, Mr. ZELIFF, Mr. RIGGS, Mrs. LLOYD, Mr. MCCRERY, Mr. HATCHER, Mr. CLINGER, and Mr. LEWIS of California.

H.R. 1623: Mr. IRELAND, Mr. AUcoin, Mr. STARK, Mr. SOLARZ, Mr. WISE, Mr. JOHNSON of South Dakota, Mrs. MINK, and Mr. DE LUGO.

H.R. 1624: Mr. IRELAND, Mr. AUcoin, Mr. STARK, Mr. SOLARZ, Mr. WISE, Mr. JOHNSON of South Dakota, Mrs. MINK, and Mr. DE LUGO.

H.R. 1774: Mr. EVANS.

H.R. 2199: Mr. SHAYS.

H.R. 2772: Mr. ROEMER, Mr. CLINGER, Mr. JOHNSON of South Dakota, Mr. GORDON, Mr. BARNARD, Mr. WEISS, Mr. STALLINGS, and Mr. BOUCHER.

H.R. 2966: Mr. BROWDER.

H.R. 3026: Mr. WAXMAN.

H.R. 3051: Mrs. MINK.

H.R. 3138: Mr. GEJDESEN.

H.R. 3236: Ms. HORN.

H.R. 3429: Mr. STARK.

H.R. 3462: Mr. ESPY, Mr. SYNAR, Mr. EDWARDS of California, Mr. SISISKY, Mr. ROEMER, Mr. STARK, Mr. McNULTY, and Mr. KOLTER.

H.R. 3545: Mr. MACHTELEY.

H.R. 3561: Mr. IRELAND, Mr. DOOLITTLE, Mr. ERDREICH, Mr. HANCOCK, Mr. MCCANDLESS, Mr. DORNAN of California, Mr. RAVENEL, Mr. GILCHREST, Mr. JOHNSON of Texas, Mr. PETERSON of Florida, and Mr. THOMAS of Wyoming.

H.R. 3562: Mr. RANGEL.

H.R. 3598: Mr. BREWSTER, and Mr. BEREUTER.

H.R. 3871: Mr. WALSH, Mr. KILDEE, Mr. RANGEL, Mr. OWENS of New York, Mr. EDWARDS of California, Mrs. SCHROEDER, Mr. HOCHBRUECKNER, Ms. NORTON, Mr. DURBIN, and Mr. FAWELL.

H.R. 4061: Mrs. BOXER.

H.R. 4405: Ms. DeLAURO.

H.R. 4430: Mr. SKEEN, Mr. DeLAY, and Mr. GUNDERSON.

H.R. 4516: Mr. OWENS of New York, Mrs. COLLINS of Michigan, Mr. FROST, Mr. HAYES of Illinois, Ms. KAPTUR, and Mr. RANGEL.

H.R. 4690: Mr. PORTER.

H.R. 4708: Mr. OBERSTAR, Mr. OWENS of Utah, and Mr. BUSTAMANTE.

H.R. 4709: Mr. OBERSTAR, Mr. OWENS of Utah, and Mr. BUSTAMANTE.

H.R. 4761: Mr. FOGLIETTA, Mr. LEVINE of California, and Mr. GILMAN.

H.R. 4766: Mr. COX of California and Mr. RHODES.

H.R. 4821: Mr. ROWLAND, Mr. GILMAN, Mr. JENKINS, Mr. DORGAN of North Dakota, Mr. PAXON, Ms. ROS-LEHTINEN, Mr. CARDIN, Mr. HOCHBRUECKNER, Mr. PICKETT, Mr. BORSKI, Mr. SIKORSKI, Mr. DE LUGO, Mr. ZELIFF, Mr. WILSON, Mr. UPTON, Mr. MATSUI, Mr. MARTINEZ, Mr. BREWSTER, Mr. RINALDO, and Mr. PETERSON of Florida.

H.R. 4929: Mr. PARKER.

H.R. 4998: Mr. CARPER.



H.R. 5075: Mr. HAYES of Illinois, Mr. SAVAGE, Mr. TRAXLER, Mr. BLAZ, Mr. HERTEL, Mr. FROST, Mr. RANGEL, Mr. CHAPMAN, and Mr. HEFLEY.

H.R. 5126: Mr. PETERSON of Minnesota, Mr. PARKER, Mrs. LLOYD, and Mr. CRAMER.

H.R. 5192: Mr. DE LUGO.

H.R. 5193: Mr. DE LUGO.

H.R. 5237: Mr. COLEMAN of Missouri and Mr. CAMP.

H.R. 5238: Mr. SARPALIUS and Mr. BEREUTER.

H.R. 5254: Mr. DE LUGO.

H.R. 5263: Mr. DE LUGO.

H.R. 5282: Mr. JACOBS.

H.R. 5323: Mr. BUSTAMANTE and Mr. BACHUS.

H.R. 5370: Mr. SKEEN.

H.R. 5375: Mr. EMERSON, Mr. PENNY, Mr. SKEEN, Mr. LIVINGSTON, Mr. JOHNSON of South Dakota, Mr. BARRETT, Mr. ZELIFF, and Mr. HUBBARD.

H.R. 5405: Mrs. BOXER, Mr. PARKER, Mr. FOGLIETTA, Ms. HORN, Mr. OWENS of New

York, Mr. CHAPMAN, Mr. TOWNS, Mr. SWIFT, and Mr. BLACKWELL.

H.R. 5434: Mr. KYL.

H.J. Res. 152: Mr. MARTINEZ and Mr. KLECZKA.

H.J. Res. 237: Mr. MOODY, Mr. CHANDLER, Mr. OBERSTAR, Mr. FOGLIETTA, Mr. MONTGOMERY, Ms. DELAULO, Mr. DICKS, Mr. DELAY, Mr. OWENS of Utah, Mr. SMITH of New Jersey, and Mr. KLECZKA.

H.J. Res. 399: Mrs. VUCANOVICH and Mr. LEWIS of California.

H.J. Res. 488: Mr. KASICH, Mr. ESPY, Mr. BUSTAMANTE, Mr. EVANS, and Mr. MARTINEZ.

H. Con. Res. 180: Mr. WISE.

H. Con. Res. 223: Mr. ATKINS, Mrs. BOXER, Ms. DELAULO, Mr. DOWNEY, Mr. FISH, Mr. LANCASTER, Mr. NOWAK, Mr. SAXTON, Mr. SHAW, Mr. SIKORSKI, Ms. SLAUGHTER, and Mr. SOLARZ.

H. Con. Res. 233: Mr. GEKAS, Mr. CLEMENT, Mr. KLECZKA, Mr. HUNTER, Mr. KILDEE, Mr. MACHTEY, Mrs. JOHNSON of Connecticut, Mr. BROWDER, Mr. POSHARD, Mr. BILBRAY, and Mr. HEFLEY.

H. Con. Res. 278: Mr. ABERCROMBIE, Mr. DOWNEY, Ms. HORN, Mr. HOUGHTON, Mr. LANTOS, Ms. NORTON, Mr. VENTO, Mr. WELDON, and Mr. WILLIAMS.

H. Con. Res. 328: Mr. McDERMOTT, Mr. COSTELLO, Mr. CRAMER, Mr. PICKETT, Mrs. MORELLA, Mr. ENGEL, Mr. GONZALEZ, and Mr. FOGLIETTA.

H. Res. 370: Mr. FIELDS.

H. Res. 399: Mr. ATKINS, Mr. BUSTAMANTE, Mr. EVANS, Mr. HAMMERSCHMIDT, Mr. KANJORSKI, Mrs. PATTERSON, Mr. STAGGERS, Mr. SMITH of New Jersey, and Mr. TORRICELLI.

H. Res. 411: Mr. ENGEL.

## PETITIONS, ETC.

### Under clause 1 of rule XXII.

163. The SPEAKER presented a petition of the Common Council, Buffalo, NY, relative to the Trade Enhancement Act of 1992; which was referred jointly, to the Committees on Energy and Commerce and Ways and Means.